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Monday Nov 3d 1862

This being the day fixed by the constitution of the State of Arkansas for the meeting of the General Assembly thereof and a quorum of Senators appearing in their chambers in the capitol of the state the Senate proceeded to organize John D. Kimball secretary at the last session called the Senate to order

On motion of Hon John R. Humpton the Hon Bradley Barnes was called to the chair as president pro. tem

The following communication from the secretary of state to the Senate containing an official list of the Senators elected at the October election of 1862 was received & read by the secretary to-wit

Office of the Secretary of State
Little Rock Nov 3d 1862

As required by law I have the honor to lay before the Senate the following list of members elected to that branch of the present General Assembly of the State of Arkansas

John I Stirman
Secty of State

From the Counties of Benton & Madison — J. Dunnegan
From the Counties of Carroll & Benton — Bradley Barnes
From the County of Washington — Hiram Davis
From the Counties of Crawford & Franklin — Henry H. Carter
From the Counties of Sebastian & Scott — Green, S. Clark
From the Counties of Johnson & Pope — Ben T Embry
From the Counties of Yell Perry & Conway — Wm. C. Hunt
From the Counties of Marion & Searcy — Eli Dodson
From the Counties of Izard & Van Buren — Wm Sherman
From the County of Independence — J. S. Trimble
From the Counties of Lawrence & Fulton — Saml Wallace
From the Counties of Green Randolph & Craighead — J. M. Pollard
From the counties of Prairie & St Francis — P. Van Patten
Mississippi and Crittenden counties — No Return
Phillips and Monroe counties — No Return
Pulaski and Perry counties — Joseph Stillwell
White and Jackson counties — Robert Anthony
Jefferson, Arkansas & Desha — Thomas Pelder
Chicot, Drew and Ashley — L N Belser
Bradley and Dallas — Frank Hampton
Union and Columbia — I C Wallace
Calhoun & Ouachita — C H Whitfield

Hempstead, Lafayette & Sevier — A P Williams
Clark Pike & Polk — Isaac N. Smith
Hot Spring, Montgomery & Saline — Thos Leach

The above named Senators except Messrs Carter & Drummegan then came forward and presented their credentials and after taking the oath of office which was administered by Hon F. W. Compton took their respective seats

The chair announced that nominations for President of the Senate were in order

Whereupon Mr Hampton nominated Hon Thos. Fletcher

No other nominations being made the roll was called when it appeared that Mr Fletcher had received Twenty votes & Mr Hampton one vote

The following Senators voted for Mr Fletcher

Messrs Anthony, Belser, Bunch, Clark, Davis Dodson, Embrey, Halliburton Hampton, Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace Whitfield & Williams, — 20

Mr Fletcher voted for Mr Hampton

The chair announced that Hon Thos Fletcher having received a majority of all the votes given was duly elected President of the Senate for and during the time prescribed by law

Mr Fletcher expressed his thanks to the Senate for the honor conferred upon Him took the oath of office which was administered by Hon F. W. Compton and entered upon the discharge of His duties as President of the Senate.

Mr President then announced that nominations for Secretary of the Senate were in order whereupon Mr Bunch nominated John D Kimbell.

No other nomination was made and the roll being called it appeared that John D Kimbell had received the following vote:

Messrs Anthony, Belser, Bunch, Clark Davis, Dodson, Embrey, Halliburton, Hampton Hunt, Leach, Pollard, Sherman, Smith, Stillwell Trimble, Van Patten, Wallace Whitfield Williams and Mr President — 21

Whereupon the President announced that John D Kimbell having received the

entire vote of the Senate was duly elected Secretary thereof for and during the term prescribed by law, and thereupon he took the oath of office, administered by Hon F W Compton and entered upon the discharge of his official duties.

Mr President declared nominations for Assistant Secretary of the Senate in order.

Whereupon Mr Whitfield nominated Dr S. H Bayliss of Columbia County.

No other nomination was made and the roll being called it appeared that Dr Bayliss had received the following vote:

Messrs Anthony, Belser, Bunch, Clark, Davis, Dodson, Conley, Hallinan, Hamilton, Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams & Mr President — 21.

Whereupon the President announced that S H Bayliss having received the unanimous vote of the Senate was duly elected assistant Secretary thereof, and having taken the oath of office, administered by Hon F W Compton he entered upon the discharge of his official duties.

On motion of Mr Clark it was resolved that the Senate now proceed to elect an enrolling secretary.

Mr Belser nominated J. W. Woodward.

No other nomination was made and the roll being called it appeared that Mr Woodward had received the following vote:

Messrs Anthony, Belser, Bunch, Clark, Davis, Dodson, Conley, Hallinan, Hamilton, Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams & Mr President — 21.

Mr President announced that J W Woodward having received all the votes given was duly elected enrolling secretary of the Senate, and having taken the oath of office which was administered by Hon F W Compton he entered upon his official duties.

Mr President announced nominations

for Doorkeeper of the Senate in order.

Mr Wallace nominated Nathaniel Carson

Mr Clark nominated W W Shaw

No other nominations were made and the roll having been called it appeared that Mr Carson had received Eleven votes and Mr Shaw Ten votes.

Those Senators voting for Mr Carson are—

Messrs Belser, Crosby, Leach, Sherman, Smith, Trimble, Van Patten, Wallace, Whitfield Williams & Mr President — 11.

Those voting for Mr Shaw are—

Messrs Anthony, Branch, Clark, Davis, Dodson, Hallinsten, Hampton, Hunt, Pollard & Stillwell — 10.

Mr President announced that Nathaniel Carson having received a majority of the votes cast was duly elected Doorkeeper of the senate.

Mr Carson then took the oath of office which was administered by Hon J McCampbell & entered upon the discharge of his duties.

Mr Trimble offered the following resolution viz

Resolved That the Secretary of the Senate inform the House of Representatives that the Senate is now organized and ready to proceed to business

Read & on his motion adopted

Mr Whitfield offered the following resolution

Resolved that the Secretary of State furnish each Senator with a copy of the new digest & the acts & Journals of the last regular & two called sessions of the Senate & the rules for the government of the Senate

Read & on motion of Mr Trimble adopted

On motion of Mr Hampton the rules of the last regular session of the Senate were adopted for the present session

On motion of Mr Belser the Senate took a recess for one hour

Senate met

Message from the House of Representatives by the Clerk —

Mr President I am instructed to inform your Honorable Body that the House of Representatives of the State of Arkansas has organized

by the election of Hon John, Harrell. of Crawford County Speaker, A. M. Woodruff of Pulaski County Clerk, A. H. Woodward of Pulaski County assistant clerk, E B Blanks of Pulaski County Enrolling Clerk, J. P. Hatton of Drew County Door Keeper, & E J McConnell of Johnson County Page, and we now ready to proceed to business

A M Woodruff
Clk H. of. Rep.

Mr Bunch offered the following resolution. viz

Resolved— That a committee of Three be appointed by the President to act with such committee as may be appointed on the part of the House to inform His Excellency the Governor that the two Houses of the General Assembly are now organized and ready to receive any communication he may think necessary to make

Read & on motion of Mr Trimble adopted

1177 President appointed Messrs Bunch Whitfield & Trimble the Committee on the part of the Senate

Mr Trimble offered the following resolution viz

Resolved— That the Editors of the different news-papers of this city or their reporters be permitted to take seats within the Bar of the Senate for the purpose of taking such notes of its proceedings as they may think proper to publish

Read & on his motion adopted

Message from the House of Representatives by the Clerk—

Mr President

The House has adopted the following resolution viz

Resolved— That a committee of Three be appointed by the Speaker to act with such committee on the part of the Senate to wait upon the Governor & notify him that the two Houses are organized and are now ready to receive any communication he may be disposed to make— In which your Honorable body is respectfully asked to concur

The committee on the part of the House is Messrs Collins Carroll & Scott

A M Woodruff
Clerk. H. of. Rep

On motion of Mr Trimble the resolution of the House of Representatives was concurred in by the Senate.

Mr Wallace offered the following resolution

Resolved— ~~That~~ The House of Representatives concurring that the Legislature adjourn on Saturday the 15th inst at 2 O'Clock, P.M.

Which was Read & on motion of Mr Hampton, laid on the Table until to-morrow 10 O'Clock, A.M.

Mr Clark on leave presented the petition of D. Pommier representing that He had come to this State with some negroes for the purpose of opening a farm & asking the privilege of entering not exceeding two sections of land

Which was read & at the request of Mr Clark and permitted to lay upon the table for the present

On motion of Mr Hampton the Senate adjourned until 9 O'Clock to-morrow morning

Wm. F. Fletcher.
President

Tuesday Nov 4th 1862

The Senate met pursuant to adjournment

The Roll was called and the following Senators answered to their names:

Messrs Anthony, Belser, Bunch, Clark, Davis, Dodson, Embry, Halliburton, Hampton, Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams, and Mr President,—21

The Journal of Monday was read, approved & Signed

Mr Van Patten offered the following resolution

Resolved That (the House concurring) the two Houses proceed on Saturday next at 11 O'Clock, A.M. to elect a Secretary of State, an Auditor and a Treasurer

Which was read and on motion of Mr Wallace adopted

Mr Trimble offered the following resolution

Resolved That the Secretary of State be requested to furnish each member of the Senate with a copy of the journal and ordinances of the State Convention

Which was read and on his motion adopted

Mr President laid before the Senate and caused to be read by the Secretary the following list of standing

committees of the Senate:

On Judiciary – Messrs. Clark, Stillwell, Williams, Davis & Belser

On Auditors & Treasurers Books, – Messrs Trimble Whitfield & Smith

On the Militia – Messrs Emby, Pollard Van Patten Anthony & Dunnegan

On Banks – Messrs Belser, Clark, Stillwell, Dodson, & Leech

On Education – Messrs, Hunt, Trimble, Hallibarton, Wallace, & Whitfield

On Internal Improvements – Messrs Van Patten, Clark, Anthony, Hunt, & Sherman,

On Way & Means – Messrs Hampton, Davis, Bunch, Pollard, & Von Patten

On Agriculture – Messrs Anthony, Dodson, Emby, Carter & Hallibarton

On County & County lines – Messrs Leech, Smith Dunnegan, Williams & Wallace,

On Public Roads – Messrs Dodson, Carter, Van Patten, Davis & Anthony,

On Enrolled Bills – Messrs Williams, Hunt, Sherman, Bunch & Belser

On Elections – Messrs Davis, Pollard, Smith, Dodson, & Hampton

On Public Printing – Messrs Bunch, Stillwell, Wallace, Emby, & Belser

On Penitentiary – Messrs Sherman, Whitfield, Von Patten, Dunnegan & Carter

On Claims – Messrs Stillwell, Clark, Hampton, Bunch & Davis

On Memorials – Messrs Hallibarton, Hunt, Dodson, Leech, & Smith

On Public Buildings – Messrs Pollard, Emby, Belser, Sherman, & Anthony

On Public Expenditures – Messrs Whitfield, Trimble, Wallace Dunnegan, & Hunt,

On Swamp & Overflowed lands – Messrs Wallace, Van Patten, Stillwell, Davis & Belser,

Mr Bunch from a Joint select committee made the following Report –

Mr President – The committee appointed to wait on His Excellency the Governor an inform him of the organization of the two Houses of the General Assembly have performed that duty, and I am instructed to report to the Senate that the Governor will be ready to deliver his Message on this day at 10 O'Clock A M.

Bunch Chair

Which report was read and received

On motion of Mr Leech the resolution to adjourn on Saturday the 15th inst was taken up

Mr Clark moved to amend the resolution by inserting Sine Die after the word adjourn ~~in line~~ "~~finally~~"

Which was adopted

~~The~~ On motion of Mr Clark the resolution as amended was adopted

Message from the House of Representatives by the Clerk

Mr. President— The House has adopted the following resolution

Resolved— That the Senate be and is hereby invited into the Hall of the House this day at 10 o'clock A M to hear the message of His Excellency the Governor

Which is respectfully submitted for your consideration

A M Woodruff, Clerk H. Reps

On motion of Mr Trimble the resolution of the House was concurred in by the Senate

On motion of Mr Hampton the Senate took recess until 10 o'clock A.M.

10 o'clock A.M Senate met

Message from the House— Mr President— I am instructed to inform your Honorable Body that the House is now ready to receive the Senate for the purpose of receiving the message of the Governor

A M Woodruff

Clerk. House

On motion of Mr Hampton the Senate repaired to the Hall of the House of Representatives and being seated therein the roll of the Senate was called by order of the President when the following Senators answered to their names

Messrs Anthony, Belser, Bunch, Clark, Davis, Dodson, Emley, Halliburton, Hampton, Hunt, Leech, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace Whitfield, Williams & Mr President, 21

The roll of the House of Representatives was then called by order of the Speaker of the House and it appearing that there was a quorum of both Houses present the President announced that the convention was ready to receive the message of the Governor when Wm. M. Anthony Esq appeared and read the same, viz

MESSAGE

OF

GOV. HENRY M. RECTOR,

TO THE

GENERAL ASSEMBLY

OF THE

STATE OF ARKANSAS;

Delivered: Nov'r, 1862.

LITTLE ROCK:
JOHNSON & YERKES, STATE PRINTERS.
1862.

Physique de Chimie, Mathématiques

MESSAGE

OF

GOV. HENRY M. RECTOR,

TO THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, AT ITS REGULAR SESSION, NOVEMBER, 1862.

EXECUTIVE OFFICE,
LITTLE ROCK, ARKANSAS,
November 3d, 1862.

Gentlemen of the Senate,
and House of Representatives—

By the blessings of a kind Providence, you are permitted to assemble again at the capitol of your State, the representatives of a free people,—enjoying still, the boon of civil and religious liberty. May our people continue to enjoy these exalted privileges, enhanced by a patriotic and wise system of legislation, devised by you at the present session.

The war, still raging, has at length attained proportions so wonderfully gigantic, as to astound all christendom, at the resource and achievements of American arms. Menaced by a powerful foe—lacking in no attribute save *courage* and a just *cause*—the South has already, thrice over, proven to the North that *she cannot be conquered*, but lives, a Nation, heralded from

an hundred victorious fields, whose people, all, will perish, or be free.

The battles fought and won by patriot revolutionary sires, were but indices of what Americans, can do to avenge national insult, or resist oppression. The war will result in the independence of the South, including in one government, all the slave States of the Mississippi valley—proximity, commercial interests, and intercourse, ultimately uniting the valley States from the Gulf to the Lakes, in one homogeneous government, with an existence for slavery as far North, as climate and production makes it profitable. Free labor, is a misnomer—a myth, which has no existence North or South. All men work from necessity, not from choice—the toil of the white man being called freedom—that of the negro, slavery.

The bloody cost of our liberty, when won, should teach us to guard it, as we do our altars. Let not the unclean hands of political ambition pollute it by their touch—nor yet, should it be too sacred, for the humblest freeman to claim it as his inheritance.

That "the price of liberty is eternal vigilance," is true, in all ages and climes, it is well to beware, then, lest whilst we gain liberty, we do not loose it. The constitution and the laws, should be the measure of all men's authority. Necessity, sometimes inexorable to be sure, is but the tyrant's plea, at best, nor lessens the rigors of usurpation.

I have been led to these remarks, in consequence of orders emanating from generals in command of the Trans-Mississippi district, which I regarded as oppressive to the people, and without authority of law, or the approval of the President.

It may be premised, that a departure from Confederate law, in these instances, is not only an infringement of the national constitution, but is also an infraction of the sovereignty of the State—its constitution—and the sacred rights of *its* citizens.

Hence abuses, supposed to exist, must needs challenge inquiry from all State officials, sworn to support the laws, and to see them faithfully executed.

In May last, the State, by order of Brig. Gen. Roane, was put under martial law, to the extent of twenty miles, in either direction, from Little Rock. The authority for so doing, I am

aware, the General supposed, was derived from the President, who, alone, possesses such power, specially delegated to him by Congress. Subsequently, by order of Gen. Hindman, the order was extended to cover the whole State, and I believe is still maintained, by opproval of Major General Holmes, now and recently commanding the district, whose authority, I am informed, is derived from the President.

The essence of martial law is, that the military officer may do what he feels inclined, without let or hindrance from any one whatever. Power so potential, involving the existence and happiness of entire communities, is justified only upon grounds of extreme necessity; and carefully,—cautiously conferred upon the chief magistrate of the nation alone—in whose wisdom and virtue, all have confidence,—all, for the public good, are willing, for a time, to submit themselves.

This much, and this only, is the law. To this extent, and no more, have our representatives in Congress committed us by act of Congress. An essential point for inquiry is, to know whether martial law has been declared by competent authority, or without any authority at all. In the communication of the Hon. G. W. Randolph, Secretary of War of the Confederate States, in reply to a resolution of inquiry, offered by the Hon. G. D. Royston, in the lower house of Congress, it will be found, that no authority had been given by the President to declare martial law in Arkansas, and further, the Secretary disclaims all knowledge that such a state of facts existed.

Here, then, for five months, the people of an entire State have been subjects of arbitrary authority—without law—the power to enforce right, or redress wrong. Controlled in their pecuniary, and personal rights by the dicta and caprice of one man, with an army at his command to enforce obedience to his orders. The abuse is not in the fact that martial law has existed, but that it was proclaimed by those having no authority, and in the detail of its administration. The legitimate object of declaring martial law, by governments granting the power, if I understand it, is to strengthen the hands of those in command for the better control of their armies, or for the restraint, by imprisonment, if necessary, of disloyal or rebellious citizens,

whose conduct should prove dangerous, or detrimental to military success. But I do not understand that it carries with it the power to interfere with the personal liberty of loyal private citizens, their contracts, or dealings, the prices of their property, or the sort, quantity or quality of money that they shall receive payment in, nor whether they receive payment at all. No wise government will ever enact such laws, unless the people are all serfs, incapable of providing for themselves, and are to be clothed and fed at the public expense. Apart from the violation of law, an intermeddling of this sort, stifles industry and enterprise, induces fraud, and discontent, amongst the people—short supplies to the non-producing classes, and to the army itself. A tariff of prices, can never accelerate a high state of development. The desideratum should be, to produce as much of every thing as possible—the price, is comparatively unimportant. The existence of the army and the people, depends upon having enough, not what they shall have to pay for it. The superabundance of money in the country, unrestricted by military orders, would presently augment greatly the production and supply of all the necessaries of life. But who will venture his capital, to any material extent, in a tanyard, saltworks, shoe-shop, and a thousand and one other things, whilst profits are dependent upon a tariff of prices, to be fixed by arbitrary authority.

In calling your attention to these matters, it is not my purpose to redress the past, but to improve the future, if possible.

First, it is not politic, I respectfully submit, that a violation of the constitution and the laws of this State, go without mention, or report, from the Executive to the General Assembly. For, under such circumstances, the people must imply that all which has been done, has been rightfully done, and, as many of them declare, there is no law left, either to obey, or to execute, the propagation and prevalence of such sentiments, would presently loosen the bonds of society, morally and politically—and, at the termination of a long war, would leave amongst us an element so dangerous as to hazard the existence of republican liberty itself.

Familiarity, with most things, it is said, "breeds contempt."

Not so, with military power. The mind of man possesses for it an instinctive admiration. The splendor of its rude contact, but allures the citizen, and prepares him unconsciously for obedience to its commands. Its march is onward, upward, until finally it overshadows every thing—unless confined within constitutional limits.

It is esteemed injudicious by many, that even the grossest military enormity be referred to, or redressed, during the war; that a more auspicious moment will present itself, after peace shall have been restored. When the present conflict will cease, is altogether speculative. That period may be so remote, as, that we shall forget what freedom and the constitution was, unless we carry them along with us, as we travel.

That martial law should have been declared as an expedient, not only from the date of its existence here, but anterior to that period, I entertain no doubt. That it has accomplished much good, I know also to be true. But it is neither necessary, or proper, therefore, that its concomitant abuses, be sanctioned into precedents, authorizing a repetition of the same evils. I deem it essential, at all events, that I lay these matters before your honorable body, for its advisement, and such action, if any, as you may think proper to take, with the suggestion that joint resolutions be passed by the legislature, addressed to our delegation in Congress, requesting that the act of Congress authorizing martial law, be modified, so as to leave private citizens free, in their intercourse, dealings, contracts, properties and privileges—so long as they are loyal, and obedient to the constitution and laws of the Confederate States.

The last nine months' history of the present war, has been written indelibly upon the pages of Arkansas history,—replete with startling events to all—to many of her people, it has been calamitous. Shortly subsequent to the battle of Elk Horn, the General in command of the Confederate army in Arkansas, moved it east of the Mississippi to Corinth. The State having transferred all its means of defence, was exposed to assault from abroad, whilst loud mutterings of discontent were heard at home. In April, Curtis, commanding a northern army, formidable in numbers and appointment, entered the State at

Pitman's ferry, and marched South without opposition until his advance guard, about the tenth of May, reached Searcy in White county, distant fifty miles from Little Rock. The Confederate army having been entirely withdrawn, communication on the Mississippi well nigh cut off, and utter destitution pervading the State government, so far as arms or munitions of war were concerned—the picture was a most gloomy one for the political mariner. And for a time, it seemed almost inevitable that the State must be overrun and occupied by the northern army. The avowed purpose of Curtis, was to take the capitol of the State, and establish a provisional government for Arkansas.

The stoutest hearts seemed to despond, and concede that defence was impossible, for there was nothing to defend with. There were one or two cavalry companies of Confederate troops left in the vicinity of Jacksonport to protect the remaining supplies until they could be shipped east of the Mississippi. A remnant of quartermaster's stores, broken down horses, and old wagons, were in transitu between Little Rock, Arkadelphia and Camden. The machinery fitted up by the Confederacy at the Little Rock arsenal, for repairing arms, had, weeks previously, been taken down and shipped on steamboats out of reach of the invading army. In fact, the State was confessedly and unqualifiedly, abandoned for the time being by the Confederate government, with its entire corps of military officers, horse, foot and dragoon. The State, I say, had nothing to defend with—*literally nothing*. Our entire stock, for warlike purposes consisting of seven and a half kegs of unassorted powder, without a cap or flint to explode it, and not a gun to shoot it out of if it had possessed the faculty of spontaneous combustion. This being our supply of *small arms* and accoutrements. The State's *heavy artillery*, was, if possible, in a worse plight for *active operations*, there being two cannon on hand, one without wheels—the other exploded at the breech. Under such circumstances, I removed the state treasury, offices, officers, and other more valuable effects, to Hot Spring county, for safe-keeping, and retained them there until September, when, with due consideration for their comfort and safety, I removed them back

to the capitol, where they may now be found, as usual, without damage or detriment. River transportation was adopted to Dardanelle for the offices of the secretary of state, auditor and treasurer, because those officers reported the procurement of wagons and teams impossible at that time, or soon enough to insure a successful retreat. The executive office, or rather papers, etc., composing it, I transported in road wagons, and accompanied it myself on horseback, to Hot Spring valley, where the seat of government was temporarily established at a cost to the State of seventy or eighty dollars, the entire expense of removing and returning the government effects, including the military board, being $3,559 03, the amount being audited, and paid by the military board, there being no fund appropriated by law for that purpose.

On the 5th of May, however, before I left Little Rock, with the State government, I issued the following proclamation, which I beg leave to insert for a perfect understanding of the positions assumed by me, the doctrines announced, and of facts had in view by that paper.

OFFICE MILITARY BOARD,
Little Rock, May 5th, 1862.

TO THE FREEMEN OF ARKANSAS—

"*Fellow-Citizens:* Again your authorities, charged with the duty of preserving and defending your State government, deem it imperatively necessary to call you to Arms: Northern troops formidable in numbers and preparation, are in the heart of your State, *marching upon your Capitol*, with the avowed purpose of perverting your government, plundering your people, eating your subsistence, and erecting over your heads as a final consummation, a despotic ruler, the measure of whose power will be the hatred he bears his subjects.

Will the thirty thousand freemen, capable of bearing arms, yet in Arkansas, look listlessly on, while chains are being riveted upon their limbs by a few thousand Hessians from the North—hireling mercenary cowards as they are, seeking to enslave us, that they may grow rich upon our substance, and deride us, and our children as conquered subjects. This cannot, will not be, our people in the government of their choosing—

in the sacredness of their persons—and defence of their property must be defended. We can and will defend it; unaided if it must be so, at every cost and sacrifice, rather than live under the domination of the detestable and execrable Lincoln government.

The enemy upon our soil is crushing to earth the proud spirit of our people; presuming upon the temporary absence of many of our brave men, they seek to crush the energy and courage of the remainder. We will drive them from amongst us. Where there is a will, there is always a way. An enlightened and brave people will never be subjugated.

The armies of the revolution were at one time under George Washington, reduced to 2,500 men, still with the blessings of God and an undying spirit of resistance, the American colonies, each upon its own account, putting forth its entire energies, conquered a peace from a reluctant and powerful government. So if we of Arkansas, are true to ourselves—true to our professions of hatred for the North, and devotion to the South—true in our devotion for constitutional liberty and free government, the sun will never set upon us a subjugated and conquered race. Then, by authority and sanction of the Military Board, whose duty it is to protect the State from invasion—whose right it is to call an army in the field when the Confederate States "refuse or neglect" to protect the people, I call upon each and every man capable of bearing arms to prepare at once to meet the enemy, though it is not contemplated that all will go—some must—a sufficient number must to free the State and repel the tyrant. The law is "that every able bodied free white male inhabitant, between the ages of eighteen and forty-five years, shall constitute the militia of the State. No person shall be called upon to perform militia duty who has not resided within the State two months, except in cases of *invasion*, in which case, *they are* subject as other citizens, and subject to the same penalties." Further, the law provides: "Judges of the supreme and circuit courts, secretary, auditor and treasurer of the State, clerks of the supreme and circuit courts, post masters, post riders, ferrymen on public roads, all licensed preachers of the Gospel of every denomination, and justices of the

peace, shall be exempt from performing military duty, *except in cases of insurrection and invasion.*" Hence it will be seen, by the law above quoted, that all men found in the State between the ages of eighteen and forty-five, if physically able may be called to the field, now, the State being invaded. The State, always sovereign, is sovereign yet, in her reserved rights, one of which is, to defend her own soil—her own government—her own people, and to put every one between certain ages found in her borders into the field, if necessary to do it. This is the law, state and national, and if it were not, the people in their potential power, would make it so.

By your authority and sanction, your representatives in convention assembled at the capitol in May last, severed the State of Arkansas from the United States of America, upon the doctrine of State sovereignty, from which grew up the Confederate States. This in the retrospect, may be viewed no less a political right, than a moral and political virtue, looking to our happiness, and the transmission of republican liberty for the present age and future generations, an alliance was formed with the Confederate States of America. In the support of this government no star in the galaxy has shed a brighter lustre than Arkansas. No people have evinced more valor or a more self-sacrificing spirit, than hers in upholding Confederate nationality. Every door way is stained with the blood of her children, every roof is a house of mourning, and her alters are consecrated to benedictions for the dead and lost in battle. The flower of her youth, the pride of her manhood have without stint been lavished for the maintenance and support of the Confederation. She has done this because of her generous confidence, that when the evil hour come upon her, the national ensign, the Confederate flag, would be found floating from her battlements, defying the invader and giving succor to her people.

Untoward events have placed her beyond the pale of protection much impaired, though not incapable of resistance, she will strike a blow for liberty, and continue to be free; if left to her fate she will carve a new destiny rather than be subjugated. It was for liberty she struck, and not for subordination to

any created secondary power north or south. Her best friends are her natural allies, nearest at home, who will pulsate when she bleeds, whose utmost hope is not beyond her existence. If the arteries of the Confederate heart do not premeate beyond the east bank of the Mississippi, let southern Missourians, Arkansians, Texans, and the great West know it and prepare for the future. Arkansas lost, abandoned, subjugated, is not Arkansas as she entered the Confederate government. Nor will she remain Arkansas a Confederate State, desolated as a wilderness; her children fleeing from the wrath to come, will build them a new ark and launch it on new waters, seeking a haven somewhere, of equality, safety and rest. Be of good cheer my countrymen, there is still a balm in Gilead, the good Samaritan will be found. Strike now and ever for your homes and liberty, against all men who invade the one or dispute the other. The despotic power of the North, which seeks now to crush you, contains in its own creation, ripe seeds for its early destruction.

Stand out like men and resist that power, until the hallowed light shed by southern states rights democratic liberty shall throw its light back upon the very North itself, from the Rio Grande of the South to the Lake of the Woods; and westward to the Pacific. The God of nations has not decreed, I think, that tyrant hands shall stay the progress of civil and religious liberty upon this continent. The right of the people to govern is an admitted truism. Their capacity to do so is not a fable; but "the price of liberty is eternal vigilance;" be jealous of encroachments, mindful of your public servants. Take the constitution of your State as your political text book, and regard the defence of your homes and firesides as a duty you owe to God and humanity, and all will be well.

Correlative with these views, it is by the Military Board of the State of Arkansas deemed essential for the public safety, that four thousand five hundred men be called as volunteers from the militia of the state, to be organized into companies, battalions and regiments, as directed by the ordinances of the State Convention, to serve for twelve months in state service, unless sooner discharged. The companies not to contain less than sixty-four nor more than ninety-six men, exclusive of commis-

sioned officers. Twenty companies of cavalry will be received, and thirty companies of infantry, with the right, on the part of the authorities, to assign one or more of the infantry companies for artillery service. Each volunteer must furnish his own gun, which will be valued and paid for by the State, or a certain amount paid for it monthly by the government for its use, as the state may ultimately determine.

Companies organizing south of the Arkansas river will rendezvous at Little Rock, unless other instructions are given. Those organizing north of the river will be advised of the proper point to rendezvous by applying to the military board for orders. Transportation, subsistence, etc., etc., will be supplied upon application, for organized companies; no company will be esteemed organized until a descriptive list is filed with the military board, showing the requisite number of men, certificates of election for company officers should accompany the descriptive list. Any commissioned officers of the State may hold and certify to company elections. Able-bodied men, 16 years and upwards, may be received into service. If the requisite number of men is not made up by volunteering by the 25th of May, the deficiency will be detailed or drafted from the militia brigades or regiments having the fewest men in service. Troops raised under this call will not be transferred to Confederate service under any circumstances without their consent, and on no account, unless a Confederate force, sufficient to prevent invasion, is sent into the State. These are raised exclusively for home protection. Horses, horse equipments and arms lost by the casualities of war, will be paid for by the State.

Men of means and leisure, although advanced in years, now have an opportunity, without sacrifice, to go and fight—too old to walk, they can now go on horseback. Men tilling the soil can be less conveniently spared; something must be produced to eat, either to live or to fight. I say to the gentlemen of leisure and wealth, make up this call; leaving the tiller of the soil at home to produce something for our families and the country. There are many more than the number called for here in Arkansas who will not run a furrow this summer, nor do anything else substantially beneficial to the country. Business, in the

way of trade, is measurably suspended, and money making for a time ought to be. To be rich now is impossible, for if one owned the whole state, it is worth nothing until freed. The wave of destruction has already rolled over the north-east portion of the state, and will soon reach the south, unless stayed by a rampart of Arkansas freemen. I am for defence—the military board is for defence, and, if aided by the people, the State will be redeemed.

H. M. RECTOR, *Governor,*
and President of the Military Board."

My official conduct by the constitution being subject to examination by your honorable bodies, I regard it as proper that you should be furnished with full knowledge upon all points, which are likely to challenge inquiry. It must be borne in mind that when this proclamation was issued, Arkansas, and other states west of the Mississippi had been abandoned for the time being by the Confederacy. By abandonment, I mean that the army had been withdrawn, and no defence then contemplated or intended. External evidences familiar to the minds of all, are sufficient to establish the correctness of this assertion. But beside these outside facts, known to every body, I knew, from official intercourse with the then commanding officer that such was the case. It will be borne in mind also, that the west, by the capture of the Mississippi, was cut off from the eastern portion of the government, hence it was not deemed probable that the general government could send us any aid. The conscription act had been passed by Congress at the date of my proclamation, but no orders had then been issued in Arkansas to enforce it. Our prospects east of the Mississippi were almost as gloomy as they were west. By the 13th section of the ordinance passed by the State Convention, entitled, An ordinance "for the organization of a military core," it will be perceived, that whensoever the Confederate States *fail* or *refuse* to provide a defence for the State, that it became the duty of the military board to repel invasion, upon State account, and with State troops. On the 5th of May, the Confederate States did "fail to provide defence," and the State was invaded, seriously invaded; as the loss of ten millions dol-

lars of private property does abundantly testify. None of which would have occurred if the State had have relied more upon herself, and less upon others.

The conscription act not being enforced up to the date of my proclamation, all militia men were subject to State service. And further, I announced in the proclamation that the troops raised under it would not be transferred until the Confederate government furnished us defence, which I submit was proper; self-preservation being the first law of nature. It is charged, however, that other portions of the proclamation are treasonable towards the Confederate States. That I designed a seperation of the State from the Confederacy. I designed nor intended any such thing. But, most of all, deplored that a seperation had taken place—the Mississippi full of gun boats, severing us in twain. What I did intend, however, was to save the State of Arkansas from northern vandalism if possible. And also to assure Messrs. Curtis and Phelps, who were then said to be no great distance off, that I would do anything, or go anywhere, rather than back to the arms of Lincoln; and further, I intended to assure Gen. Curtis if he remained in Arkansas it must be by *fatality*—and no fault of mine, though the State was, for the time, deprived of Confederate aid. But I had another purpose, which was, to issue an official document, which would call attention at Richmond, to the deplorable condition of Arkansas, and the west.

I beg leave to state in this connection further, that the president was *not advised of the removal of the troops from Arkansas* until they were landed on the east bank of the Mississippi. That he did not approve it, may be inferred from the abundant means of defence that has been accorded by him since for our safety. A few companies were raised under this call, and promptly transferred to Gen. Hindman, upon his arrival 2d June. But the military authorities of the State, did not content themselves with the proclamation merely, which, though prepared by me, was fully read, examined, and approved by the members of the military board.

On the 29th April we dispatched a messenger to Gen. Beauregard, setting forth the defenseless condition of the State, and

requesting that the Texas regiments, *then on their way east*, be stopped in Arkansas, which was finally done by orders sent to Gen. Roane, in command at Little Rock. In advance of these orders, however, Gen. Roane, upon his own judgment, and my earnest solicitation, retained for service in Arkansas, the Texas troops, not yet shipped east, by which the advance of the northern army was checked, and the State rescued from the hands of the enemy. Beside this, these timely exertions promoted, I think, by my proclamation of the 5th May, have been instrumental, to some extent, in procuring the *present defence* made for the west; for certainly, if the original design of transferring all troops had been carried out, the Trans-Mississippi District, now in so prosperous a condition, would, by this time, present a very forlorn aspect. A portion of Parsons, Texas regiment, aided by an Arkansas company commanded by Capt. Will Hicks, turned the tide of events by defeating the advanced guard of Curtis at Searcy. The citizen soldiery of Jackson, Monroe, White and Prairie counties, deserve encomiums, and the gratitude of the country, for the patriotic and gallant resistance made by them to the advances of the enemy. Harrassed and slaughtered in every attempt made to advance south, the northern general, made his escape to Helena, where, under the cover of gunboats, with ample means of going further if necessary, he has remained up to the present time.

Gen. Hindman having assumed command in Arkansas on the 2d of June, all State troops and army stores on hand, of every discription, were turned over to him, for Confederate use. Since which, the State has had no military operations on foot, nor incurred expense, except in the settlement of unadjusted accounts.

CONFEDERATE TAX.

By acts passed at the extra sessions of November, and January last, the war tax assessed upon this State by the Confederate Congress, was provided to be payed by issuing State paper to the amount of $600 000. Said acts providing that the amounts due by the Confederate States to this State for clothing furnished the soldiers, should by the consent of the Confederate government, be deducted from the amount found to be due by the people of Arkansas for said war tax, and that the re-

mainder should, by the governor of the State be paid in Arkansas paper, provided the same would be received. I obtained readily the consent of the secretary of the treasury to a deduction of the amount due for clothing. No authority existed he thought, however, to receive the Arkansas scrip. The acts of the legislature above referred to also directed that the auditor of public accounts, should, under the instructions of the governor, make out said clothing account, to enable the governor, as by said acts directed, to settle and pay said war tax, and procure the necessary receipts and vouchers therefor. Up to this moment, however, I have been unable, though repeated application has been made, to procure the transcripts or papers directed to be prepared. Recently, I am informed by the auditor that he has been unable to procure the appropriate vouchers from the office of the military board. Upon inquiry of the secretary of the board, his recollection seems to be, that the auditor has never applied to him for the papers at any time, but has incidentally mentioned to his assistant, that some additional papers were wanted to complete the clothing account. Amongst hands, at all events, the papers have not been obtained. Notwithstanding, as far back as the 19th of June last, I called Mr. Miller's earnest attention to the importance of the subject by written communication, and then, and previously directed the secretary of the board to furnish all papers called for on file in his office, necessary to adjust the accounts. That there has been gross direliction of public duty somewhere, in this matter, is unquestionable, and to acquit myself at least of seeming neglect, I beg leave to refer your honorable bodies to the accompanying correspondence on the subject, transpiring between Mr. Miller, the auditor, Mr. Vaughan, the secretary, and myself, marked 1, 2, 3, 4, 5, 6, 7 and 8.

I was further, by said act of the legislature directed, if necessary, to send an agent to Richmond to procure a proper settlement and payment of the State's account, and to procure the necessary vouchers upon the payment of the money, etc. This has been rendered unnecessary, first, for the reason that the account for clothing was not prepared. Secondly, because, in consequence of a partial invasion of the State the Confederate

marshal has been unable to return assessment lists for many of the counties, leaving it impossible to ascertain what the gross amount of the Confederate war tax was. By an act passed by the Confederate Congress, where such circumstances exist, and the tax cannot be levied, the secretary of the treasury is authorized to compound, or settle with the governors of the respective States, what the amount shall be, approximating as near as practicable to the proper amount if assessed. With these difficulties in the way, besides the fact that communication and travel was hazardous between here and Richmond, I found it impossible to carry out the letter of the law upon this subject, but adopted a course which I believe is in harmony with its spirit and purposes.

Major Gen. Hindman finding it impossible to procure means from Richmond sufficient, or in time to meet his pressing demands for money, wherewith to support an army, then so indispensable to the salvation of the State, applied to me, urging the propriety of my paying to his quarter master the amount assumed by the State to be paid the Confederacy, on account of war tax; which I did, conditioned that if said payment was not approved at Richmond, the amount paid should be refunded upon my demand. I assumed that the whole amount of the tax, if assessed against the State, would equal $600,000, deducting the ten per cent. allowed the State for advancing and the amount due her for clothing and other small advances made by the military board on cash account; the remainder I estimated to be, say $400,000, which, on the 25th of July, I paid to Major John H. Crump, Confederate Quartermaster at Little Rock, taking duplicate receipts therefor, one of which is filed with the auditor of public accounts, and the other to be transmitted to Richmond by the messenger who may be sent to close up the business, all which I hope will be approved by your honorable bodies, it being the best that could be done for all parties under the circumstances. The auditor's report shows a payment of $450,000 instead of $400,000, on account of this tax. Four hundred and fifty thousand dollars was drawn from the treasury by me, but finding an excess, fifty thousand dollars was immediately returned to the treasury, where it still remains

subject to be used if found necessary in the ultimate adjustment of accounts between the two governments, which cannot be done until the clothing account is made up by the auditor.

SICK AND WOUNDED SOLDIERS.

By an act of the General Assembly, approved November 1861, ten thousand dollars was appropriated to be expended exclusively under the direction of the governor, for the benefit of sick and wounded Arkansas soldiers. Without experience upon the subject I conceived, at one time, that much substantial relief might be afforded by the disbursement of money directly to the soldiers in person, when they were found needy and suffering. With this view, I sent an agent east of the Mississippi in March last, and also one to our army after the battle of Elk Horn, to the north-west portion of this State, with written instructions to both, that the funds placed in their hands might be expended when its disbursement, in their opinion, would relieve the pressing wants of the sick and wounded soldier. But little however was accomplished, the men being in the care and management of Confederate surgeons, all was supplied by them that mere money could procure, and beyond this the State agent could not be permitted to interfere, which put an end speedily to that branch of the enterprise. Indeed, the general commanding Arkansas troops east of the Mississippi, declined to permit the State agent to furnish the soldiers with money under any circumstances, but agreed that it might be deposited with his medical purveyor for disbursement. Knowing no means of exacting a settlement with a Confederate purveyor, I declined paying out the money in that way, and the agent, after ministering to a few cases of suffering in the Memphis hospitals, returned home, disbursing an amount totally inadequate to the expense of travel. By an act of the General Assembly, approved Nov. 16th 1861, the marine hospital at Napoleon, still the property of the State, was placed under the charge of the governor, who was directed to audit and pay off the outstanding demands against it, and to make such temporary disposition of it as he thought proper. Claims to the amount of $3,000 were examined, approved and payed off as by law directed, and under the supervision of Dr. Sam M. Tay-

lor, by my directions, the hospital was prepared for the reception of sick and disabled Arkansas soldiers. The number of patients received at that institution was seventy-two, all of whom, except one, recovered readily and returned to their commands. This successful treatment being attributable to the presence of comfortable quarters, good nursing and a skilful and attentive physician; illustrating clearly that the frightful mortality witnessed in the army is mainly consequent upon the lack of proper sanitary departments. $2,160 89, out of the ten thousand dollar appropriation, was disbursed for the support of this hospital; finding, however, that the fund appropriated would be insufficient to maintain the place on State account for any important length of time, and also that upon the loss of the Mississippi river, it would be likely to fall into the hands of the enemy, in April last I turned it over to the Confederate government for temporary use, until the end of the war, or until such time as the General Assembly might, by law, designate; charging and collecting from the Confederacy the prime cost of all furniture and supplies on hand, being in gross the sum of $2,600, which I deposited with the State treasurer, taking the proper receipt for the same, and directing the money to be placed with general revenue and subject to the ordinary expenses of the government. The two agents, above referred to in all, disbursed $519 00, which added to the 2,160 89 makes $2,679 89, expended by me out of the $10,000 appropriated for the benefit of sick and wounded soldiers. The vouchers for which, with $1,820 11 of the $4,500, as shown by the auditor's report to have been drawn, being on hand, subject to your examination and disposal.

In conclusion, upon this subject, I respectfully submit, that to afford any material relief by State aid to the suffering soldier, permanent hospitals must first be prepared, with the necessary fixtures and appointments, in advance, and conducted by men responsible to State authority, and to public opinion at home, for the manner in which the patient is cared for whilst under treatment. The fluctuation of physicians, purveyors, and others responsible for the well being of the sick, at one post or hospital to-day, and another to-morrow, relieves all parties from

responsibility or censure,—repressing all emulation in medical treatment and practice. With State institutions permanently established at healthy localities in the interior, many objections and difficulties would be obviated, and an immense amount of life, and mortal suffering saved. To inaugurate a policy of this sort, would require, of course, the expenditure of large amounts of money. The results, I am convinced, however, would prove amply satisfactory to justify the undertaking.

But if objection obtain to the adoption, by the State, of sanitary establishments for soldiers in service, upon the ground that they must necessarily remain in the charge and custody of Confederate authority, still there is a class, which might, apart from this objection, be taken care of and ministered to by the State. I allude to those who have been discharged, for permanent disability, in indigent circumstances, who, from loss of limbs, must live upon the charities of the world, a perpetual monument of the ingratitude of a government, for which they have suffered mutilation, and poured out their blood. For the benefit of such persons, to be sure, the $10,000 appropriation was made; but the insignificance of the amount does not justify a commencement even, in the right direction. A prevailing and, I think, a mistaken idea exists, that the Confederacy should do all things, and the State nothing, in this war. Money spent by the Confederacy, is money spent by the State, for certainly the latter will have to pay, in some mode or other, her proportion of the war debt. Field operations are of sufficient magnitude to absorb all the time and vigilance of commanding generals. Hospital, sanitary and charitable institutions should, as far as compatible with the public service, be in charge of and be provided by the State governments.

RELIEF OF INDIGENT FAMILIES.

The absence of a large proportion of the male population of the State, coupled with the scarcity of provisions, produces absolute want and suffering in many families, which ought, by some means, to be relieved by the government. Such hardships often fall upon the most meritorious class, who, from a

sense of delicacy, fail to make their necessities known, and decline to receive alms from their neighbors. To supply these pressing demands of the people, the Legislature, by an act, approved March 22d, 1862, empowered the county courts to levy a tax for the relief of the families of volunteers in certain cases. This law fails to afford the required relief. Its defects are, first, that it leaves action, or no action, discretionary with the county courts, the officers of which, looking to popular favor, evade the responsibility of taxing the people as long as it can be avoided, and rely upon the charity and kindness of neighbors to supply food and raiment for the disconsolate wives and children of absent soldiers, risking all upon distant battle-fields, for honor and independence. Secondly, taxation by counties, is oppressive to the poorer ones—rich in resource of strong arms and stout hearts, but poor in money, the burthen is unequal—the law discriminating against the more populous and less wealthy region, in favor of the less populous and more wealthy. I would respectfully suggest, that a general system be devised, by which the pecuniary condition of every soldier's family in the State, be correctly ascertained, and, through sub-agents, that their absolute wants be provided for during the war out of the State treasury. As property is protected by the war, so let it be taxed, if necessary, for the support of the helpless families of soldiers out upon duty.

MANUFACTURE OF SALT.

The scarcity of salt in the country must be seriously felt, unless some plan is adopted to increase its supply. The State owns valuable salines which, by a small expenditure of money, might be made to produce the article in abundance at cheap rates. Individual enterprise has, and will, prove insufficient to produce the required amount of this article. Neither government or people can subsist long, in the absence of salt. Luxuries may be dispensed with, but salt cannot be; man and beast must perish without it. Your attention is earnestly called to this subject.

SHINPLASTERS.

The State is being literally flooded with a worthless rag

currency, to an extent that makes legislative interference indispensably necessary. The evil is not merely a bad currency, but the quantity of paper money afloat, inflates prices to extortionate rates. I suggest that the present issues be called in, under a penalty, summarily imposed; and that new issues be only authorized, or permitted, upon deposits made of State or Confederate paper with the State Treasurer, and then, in limited quantities, and dollar for dollar. The law, at present, prohibits the issuance of change or individual tickets, but a necessity for small change has negatived the statute, until that necessity has grown into a great public evil, magnifying its proportions daily, at rapid strides. If change tickets must exist, let that existence be a legal one, coupled with some pecuniary and moral responsibility to the maker.

LANDED INTERESTS OF THE STATE.

By an act of the General Assembly, approved 21st March last, the sale of public lands was suspended until the close of the war. The law I think a good one, and ought to be continued without amendment for the time prescribed. It is suggested, for reasons set forth by the Auditor of Public Accounts in his report, that a land department should be organized separate from the office of auditor. Unquestionably, heretofore, this would have proven wise and salutary legislation. In so much, however, as all business is suspended for the present, in this connection, the additional expense of creating new offices just now, might as well be avoided.

FISCAL AFFAIRS.

It would appear by the report of the Auditor of Public Accounts, marked "A," herewith submitted as an accompanying document, that the expenditures of the State government, for the two years ending 30th September, 1862, civil and military, amounts to $2,774,439 94.

This, however, is not literally correct; there being unexpended balances of amounts drawn, which have not been used, but returned to the treasury, as follows, to-wit: In the summer of 1861, the Military Board drew from the treasury, and placed

in the hands of an agent, $200,000, for the purchase of soldiers clothing. Contracts or purchases were not made as anticipated, and the war bonds, being of large denomination, and unsuited for ordinary use, were deposited in the treasury. Since which, it appears that $61,000 only have been paid out by the board; the remainder, with the coupons attached, being still on deposit. There is, also, $31,000 in the hands of the paymaster general, not yet disbursed.

Anticipating the necessity of its use, as above remarked, I drew $450,000 to pay the Confederate tax, $50,000 of which was returned to the treasury.

I have on hand $1,820 11 unexpended, of the $4,500 00 drawn for the relief of the sick and wounded Arkansas soldiers.

These amounts, added together, make $221,820 11; and deducted from $2,774,439 94, stated by the Auditor as the amount spent, we have $2,552,812 83, as the correct amount expended, for all purposes, in the past two years.

Deduct from this the receipts into the treasury for the two years, and the fund on hand, as stated by the Auditor, $1,075,-768 23, and you have $1,477,051 60 of expenditure more than receipts. That being the amount of "new debt created," instead of $1,764,474 95, as supposed by the Auditor.

The whole of this deficit has been disbursed for military purposes, which, by an act of the Confederate Congress, is provided to be paid back to the State. So, I conceive, that no unnecessary alarm need be felt, touching the necessity of selling the State's lands for the liquidation of this deficit, which seems to be apprehended by the Auditor in his report. Indeed, apart from the payment of this amount of money by the State, for military purposes, the Confederacy is largely indebted to Arkansas for subsistence stores, arms, ammunition, and sugar, seized at Helena, and steamboats at Des Arc, by Confederate officers, and appropriated to Confederate use. The gross amount of which articles will equal say $750,000.

The apparent deficit will, therefore, not only be met without the sale of lands, but upon the receipt of the State's dues from the Confederacy, she will have money on hand sufficient to pay off a considerable portion of the old "bank debt," which the

country has heretofore so fondly anticipated, was on the eve of final extinction.

Taking in view this surplus of $750,000, for subsistence stores, and the 15,000,000 acres of land, referred to by the auditor as belonging to the State, most of which was obtained by the act of secession, financially, the State's condition is a most enviable one—presenting less liability, and more resources, than the proudest of her Confederate sisters. The economy displayed by the military board, is unparalleled in the history of this war. With one and a half millions of money, it has organized, subsisted, transported and equipped thirty-five regiments and battalions of volunteer soldiers, and put them in the field, ready for duty, beside paying all other amounts accruing for State service and defence. And this the board has done, free from peculation, speculation, embezzlement, or theft, on the part of its subordinates—except in a solitary instance of a few hundred dollars—which was promptly detected, and redressed by legal prosecution.

A number of sheriffs, it appears by the report of the auditor, have failed to pay in their taxes for the present year, and a few for last year.

Some were delayed by the removal of the seat of government, and made settlement after the time required by law, under heavy penalties. In many of the northern counties, it has been impossible to collect the taxes, the country being occupied by the enemy; relief ought to be granted in such cases commensurate with the surrounding circumstances. But I should think it an unwise policy to anticipate difficulties of this sort, by passing relief bills in advance, as the auditor suggests, for 1863 and 1864.

The superabundance of money makes the collection of revenue less difficult now than ever before, where the country is kept free from the enemy. Any portion of which being occupied in future, would be entitled to relief, as to tax payers and tax collectors. Supervenient legislation, however, will be entirely adequate for redress.

Of all things, the government's finance ought, to be free from the blighting influence of special legislation.

If there are hardships, relieve them after they have occurred, not in anticipation.

Table "N," auditor's report, estimating receipts and disbursements for the next two years shows a deficit of $1,272,846 based upon the present rate of taxation. A lesser deficit, if any, I think will exist at the end of that time.

First, I am unable to perceive why the revenue will be less in 1864 than in 1863.

The auditor reduces the former year to $125,000 00, the latter to $90,000 00. Each year, in my opinion will yield at the lowest estimate $125,000 00.

Secondly, all military operations on State account being at an end; obviously $500,000 cannot be required as suggested by the auditor for that purpose.

Again, it may or may not be provided by legislation, that the State shall pay the Confederate tax of 1863 and 1864, estimated by the auditor at $700,000, which, in my estimation is far below the amount, that tax, for the present year being at least $600,000, and estimated by the Confederate marshal at $625,000. His calculation being based upon the assessment lists returned from a majority of the counties.

The fiscal condition of the State, then, may be viewed reasonable in this wise:

The current expenses of the State government for 1863 and 1864, is put down by the auditor, at $172,500; add to this the amount stated in his report for interest on war bonds, and we have $396,500.

The two years revenue at $125,000 each year, added to the Confederate money on hand, makes $358,054, leaving at the end of two years, according to my view, a deficit only of $66,846. To meet this we have the unexpended fund of the military board—war bonds and treasury warrants, which I recommend be used for civil expenditures, after reserving a sufficient amount, say $50,000 to pay outstanding demands.

Beside the interest on war bonds will be rapidly diminished by their receipt into the treasury for revenue and other payments of State dues. And unless the Confederate tax is paid for 1863 and 1864, no deficit will exist at the expiration of the

incoming two years, at the present rate of taxation, which is low.

If, however, the Confederate tax is assumed—salt is manufactured, or imported, to supply the people, necessitous soldiers families are relieved from want—of course, additional means must be provided by increased taxation, or the issuance of State paper.

The superabundance of money, I think, will enable the people to meet, in future, any tax assessed by the Confederate government. If so, an increase of the State's liabilities for that purpose, ought to be avoided by all means.

The civil expenses of the State government have been unusually large, on account of special appropriations made by the State Convention and the General Assembly.

The Confederate tax has been paid; $39,000 spent in purchasing arms; $100,000 loaned the Memphis and Little Rock railroad. The legislature has held three sessions and the convention two, since November 1860. The most astute economists known to the world's history, have never been able to carry on governments at peace rates, in time of war.

The money loaned to the Memphis railroad sufficed to complete the White river and Little Rock section within the time prescribed by the act directing said loan to be made. No interest, however has been paid by the company as required by said act, owing, I presume to the unsettled condition of the country.

In concluding my remarks upon the fiscal affairs of the State I cannot refrain from suggesting to your honorable body the propriety of withdrawing as rapidly as circumstances will permit, all interest bearing State paper from circulation, and issuing instead, scrip or treasury warrants bearing no interest.

The war bonds, as prepared by direction of the convention, were designed for securities, for sale to capitalists, for investment, not for general circulation as a medium, and they are now being so held, none being in circulation. The treasury warrants or scrip, however, were designed for a currency amongst other things, and accordingly prepared as bank bills, and circulate hourly from hand to hand as a currency, its value

being neither added to or diminished by bearing interest, whilst the difference is material and burdensome to the treasury.

I must be permitted to call your attention to an additional fact connected with the treasury, which I esteem essential for a harmonious and successful administration of the government.

For obvious reasons, the law contemplates that the executive of the State shall have full knowledge of the internal workings of the treasury department. The 53d section, chapter 23d of the Digest therefore provides, that "it shall be the duty of the "auditor to make quarterly reports to the governor of the "amount of moneys in the hands of the treasurer, belonging "to the State or any county." My predecessor, at a given period found great difficulty in extracting this information from perverse and inefficient officers, and was driven finally to the courts, by mandamus, to obtain redress for these official malfeasances.

Since my installation seven quarterly reports, under the section above quoted, should have been made out and forwarded by the auditor to the executive. Not one, however, has been furnished. Why, or wherefore, I have not been advised.

Such negligence, ought by law, to be ground for removal, or for something else more speedy than a law suit.

The report of the State treasurer is herewith submitted as an accompanying document, marked "B," showing the condition of the treasury, to which your attention is respectfully invited.

BANK DEBTS.

No progress can be made, of course, in the winding up of these venerable institutions until the end of the war. Nothing has been done in the past two years.

I beg leave to submit herewith the report of Mr. Peay, the receiver in chancery of the assets of the Real Estate Bank, marked "Exhibit C." The deficit of assets is $1,431,405 20.

Also, the report of Mr. O. Basham, ex-officio financial receiver of the State Bank, marked "D." Two thousand, six hundred and thirteen dollars, forty-seven cents only have been collected for two years past. The liabilities of this institution are estimated in the receiver's report at $1,360,417 50, with only $5,000 good debts to pay them with.

The lands mortgaged to the Real Estate Bank by the stockholders, will doubtless prove sufficient to pay that debt. The deficit on State Bank account, will subsist until paid out of the treasury.

PENITENTIARY.

The report of Mr. A. J. Ward, contractor and warden of the penitentiary, is herewith submitted, marked "E No. 1." Also the reports of the inspector and physician, Dr. John Kirkwood, marked "E No. 2." Also the report of the chaplain, Rev. D. L. G. McKenzie. From which several papers, all necessary information may be obtained for the guidance of any legislation, found requisite for the future prosperity of that institution, and the well being of its inmates.

I take pleasure in mentioning the efficiency of the officers connected with the State's prison, and the material aid afforded by the institution in carrying on the war.

TAKING THE OATH.

Many citizens of Arkansas—some holding office at the time, and some obtaining positions since—have, under various circumstances, taken the oath of allegiance to the Lincoln government. In law, this is treason, particularly in an officer, irrespective of what the necessities or inducements were which actuated this conduct.

A man, arraigned for the offence, might well plead the necessity of saving life or limb, and expect clemency, but the offence, legally, stands unabated. The circumstances under which many took such steps, extenuates, materially, the moral wrong. But the enquiry still arises, and must be met, as to the legality, or propriety, of commissioning men to State offices, who are known, or who are believed by the authorities, to have taken the oath to the northern government?

I take it, that an officer, taking the oath, is not thereby "ipso facto" disqualified and ousted, until the fact is legally found by competent judicial authority. The subject is important, and requires legislation for the guidance of the Executive in acting upon such existing states of facts.

The question being this, exactly: Shall men be commissioned by the governor, and hold office from this State, who have sworn allegiance to that government with which we are at war?

ARKANSAS INSTITUTE FOR THE BLIND.

The biennial report from this institution has been received, and is respectfully submitted herewith, and marked "F," as an accompanying document.

The report shows economy of disbursement, gratifying progress and industry on the part of the pupils, benevolent treatment, and an inculcation of christianity and morals by the officers, worthy the highest emulation.

The details furnished in the report of the president, Mr. J. B. McDaniel, and that of the superintendent, Mr. Otis Patten, will prove highly instructive and entertaining.

The usual appropriation, $3,500, is recommended, for the support of this humane institute.

PUBDIC BUILDINGS.

In a communication of recent date, addressed to me by the Hon. John I. Stirman, secretary of state and ex-officio commissioner of public buildings, I am advised by that officer of the importance of repairing the state house. The building is in rapid state of decay, and good economy, I suggest, would warrant a small appropriation for its preservation.

PUBLIC PRINTING.

I am advised by Messrs. Yerkes & Johnson, public printers, that, for the want of paper, they are unable to comply with their contract, in printing the accompanying documents directed by the 9th section of chapter 80, Digest, to be furnished the General Assembly with the governor's message. The reports must, therefore, be submitted in manuscript.

ELECTION FOR GOVERNOR AND OTHER OFFICERS.

In view of a decision made by the Supreme Court, an election was ordered for governor, senators, circuit judges, and prosecuting attorneys; all of whom were elected in 1860 and

1861, for four years. The judgement of the court is in violation of what I esteem to be the law.

But I deemed it most proper that the executive should harmonize his action with the view taken by the judicial branch of the government, and accordingly the elections were directed by proclamation to be holden. And, after expressing to the people of Arkansas my sincere gratitude for repeated acts of confidence and support accorded to me, and an unabated desire for their prosperity and happiness, I beg leave to announce to the General Assembly that my connection with the government, as its chief magistrate, ceases with the delivery of this message.

HENRY M. RECTOR.

~~Wednesday Nov 6th 1862~~

~~The Senate met pursuant to adjournment~~

~~The roll was called and the following Senators~~

~~answered to their names~~

Mesrs Anthony, Belcher, Bunch, Clark, Davis, Dodson, Dorsey, Hallibaston Hunt, Koch, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams, & Mr President – 20

The Journal of yesterday was read approved and signed

Mr Trimble offered the following resolution

Resolved – (The House of Representatives concurring) that the two Houses will go into joint convention on Friday next at 11 O'clock A.M. for the purpose of opening the certificates and counting the votes for Governor

Mr Trimble moved to suspend the rules for the second reading of the resolution – which motion was lost

On motion of Mr Trimble that part of the Governors message relating to banks was referred to committee on banks

On motion of Mr Trimble that part of the Governors message relating to the fiscal affairs of the State was referred to the committee on Ways & Means

On motion of Mr Trimble that part of the Governors message relating to the Penitentiary was referred to the committee on Penitentiary

After the reading of the message the Senate returned to their chamber.

Mr President Pleiteer announced that in consequence of the resignation of His Excellency Henry M. Rector Governor of the State of Arkansas it became his duty to retire from his position as President of the Senate in order to take upon himself the duties of Governor as required by the Constitution. and that the Senate would elect a President pro tem.

Whereupon, on motion of Mr Clark Mr Hampton was called to the chair.

The chair announced that nominations for President pro tem. of the Senate were in order.

Mr Clark nominated Hon Robert Hampton.

No other nomination was made and the roll being called it appeared that Mr Hampton had received the following vote=

Messrs Anthony, Baker, Branch, Clark, Davis, Dodson, Embry, Hallenbeck, Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, and Williams — 19

Mr Hampton voted for Mr Clark

The Secretary announced that Hon Robert M. Hampton having received a majority of all the votes cast him was duly elected President pro tem of the Senate.

Mr Hampton then took the oath of office, administered by Hon H M Compton, and entered upon the discharge of his duties as President pro tem.

On motion of Mr Clark the petition of D Brooms presented on yesterday was taken up and referred to the standing committee on memorials.

On motion of Mr Stillwell the Senate adjourned until 9 o'clock Tomorrow morning

Jno R Hampton
President pro tem

Wednesday Nov 5th 1862

The Senate met pursuant to adjournment

The roll was called and the following Senators answered to their names

Messrs Anthony, Belser, Bunch, Clark, Davis, Dodson Embry, Halliburton, Hunt, Leech, Pollard, Sherman, Smith Stillwell, Trimble, Van Patten, Wallace Whitfield, Williams, and Mr President — 20

The journal of yesterday was read approved and signed

Mr Trimble offered the following resolution

Resolved — (The House of Representatives concurring) That the two Houses will go into joint convention on Friday next at 11 O'Clock A M for the purpose of opening the certificates & counting the votes for Governor

Mr Trimble moved to suspend the rules for the second reading of the resolution — which motion was lost

On motion of Mr Trimble that portion of the Governors message relating to Banks was referred to the committee on Banks

On motion of Mr Trimble that portion of the Governors message relating to the fiscal affairs of the state was referred to the committee on Ways & Means

On motion of Mr Trimble that portion of the Governors message relating to Penitentiary was referred to the committee on Penitentiary

On motion of Mr Whitfield that portion of the Governors message relating to the issuance of change tickets was referred to the Committee on Judiciary

SB No 1

The introduction of bills was in order

Mr Williams introduced Senate bill to be entitled An act to extend the statute of limitations and mechanics.

Read the first time

On motion of Mr Clark the rules were suspended, the bill read the second time and referred to the committee on Judiciary.

Message from the House of Representatives

Mr President —

I am instructed to inform

your Honorable Body that the House has adopted the following resolutions

Resolved— That with the concurrence of the Senate the two Houses will convene in this Hall at Saturday next at 10. O'Clock A.M. of said day for the purpose of electing a Confederate Senator for the State of Arkansas

The House has also adopted the following resolution

Resolved— That a select committee be appointed consisting of five to whom shall be referred so much of the Governor message as relates to the relief of "indigent families" and that the Senate be invited to appoint a like committee to act with the committee on the part of this House and that the committee be authorized to report by bill or otherwise— And

With which the concurrence of your Honorable Body is respectfully asked

A. M. Woodruff
Clerk. H. of Rep

~~The introduction of bills was in order~~

SB No 2 Mr Halliburton introduced Senate bill to be entitled an act for the relief of certain tax-payers in this State

Read the first time

On motion of Mr Whitfield the rules were suspended the bill read a second time and on motion of Mr Stillwell referred to the committee on Ways & Means

Mr Van Patten gave notice that sometime during the present week he would introduce a bill for the purpose of supplying indigent families with salt.

SB No 3 Mr Pollard introduced Senate bill to be entitled an act to provide for payment by the State for certain arms

Read the first time

On motion of Mr Bunch the rules were suspended the bill read a second time and on motion of Mr Trimble referred to the committee on Ways & Means

On motion of Mr Clark Genl Samuel Mitchell was invited to a seat within the bar of the Senate

SB No 4 Mr Belser introduced Senate bill to be entitled an act to extend the provisions of certain laws

Read the first time.

On motion of Mr Belser the rules was suspended and the bill read a second time & on his further motion was referred to the committee on Judiciary

On motion of Mr Stillwell the Senate took recess for fifteen minutes — Senate met —

Message from the House by the Clerk

Mr President.

I am instructed to inform your Honorable Body that the House has passed House bill No 4 entitled an act for the relief of the county of Scott

Said bill is herewith Transmitted for the assent of your Honorable Body which is respectfully asked

A M Woodruff Clerk. Hof Reps

On motion of Mr Clark the resolution of the House proposing the appointment of a joint Committee to take into consideration that portion of the Governor's Message relating to "Indigent Families" was taken up and read

On his further motion the Senate concurred in said resolution.

Mr President appointed as such committee on the part of the Senate Messrs Clark, Williams Hallibrenton, Conley and Belser.

SB No 5 Mr Belser introduced Senate bill to be entitled an act to amend Chapter 29 of the Digest in relation to change venues or Shiftpleas.

Read the first time.

On motion of Mr Belser the rules were suspended, the bill read the second time, & then referred to the committee on Judiciary.

Mr Trimble offered the following resolution:

Resolved That 500 copies of the Governors message be ordered for the use of the Senate; which was read.

Mr Clark offered to amend by inserting after the word "Message" the words "and the Auditors and Treasurers reports"; which amendment was accepted by Mr Trimble and so as

his motion the resolution as amended was adopted.

On motion of Mr Leech the Senate adjourned until 9 O'clock Tomorrow morning.

Jno R Hampton

President pro tem

Thursday Nov 6th 1862

Senate met
Roll called
Present

Messrs Anthony, Baker, Bunch, Davis, Dodson, Embry, Halliburton, Hunt, Leech, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield Williams, & Mr President — 19.

The journal of yesterday was read approved & signed

Motions & resolutions were in order

Mr Stillwell offered the following resolution

Resolved — That the committee on Swamp and overflowed lands be instructed to enquire into the expediency of exposing the public lands to sale; also what amendments of existing laws in respect thereto are necessary & that they report by bill or otherwise

Which was read & on motion adopted

Reports from standing committees were in order

Mr Halliburton from the committee on Memorials made the following report

Mr President.

The committee on memorials have had under consideration the petition of D. Provence and I am instructed to report against the prayer of the petitioner

Saml Halliburton — Chr

Which report was read and adopted and the prayer of the petitioner thereby rejected

The introduction of bills was in order

SB No 6 Mr Trimble introduced Senate bill to be entitled an act to appropriate the internal improvement fund of Independance county for the relief of the destitute families of volunteers

Read the first time

Mr Trimble moved a suspension of the rules for the second reading of the bill which motion was lost & the bill took its course under the rules

SB No 7 Mr Wallace introduced Senate bill to be entitled an act to provide for a commission of enquiry

Read first time

On motion of Mr Van Patten the rules were suspended & the bill read a second time - and on motion of Mr Trimble referred to the committee on Ways & Means

House bills and resolutions on the first reading were ordered off

H.B. No 4 House bill No 4 entitled an act for the relief of Scott County was read the first time

On motion of Mr Clark the rules were twice suspended, the bill read the second & third times by title, and passed.

The House resolution to go into the election of Confederate Senator on Saturday the 8th inst at 10 o'clock a.m was taken off read & on motion of Mr Trimble concurred in

Senate resolution ~~resolution~~ to go into joint convention with the House on Friday next to count the votes for Governor was taken off read a second time & Mr Trimble moved its adoption, which motion was lost

alor On motion of Mr Clark the name of Mr Smith was added to the committee on Judiciary

Mr Clark on leave presented a communication from the Auditor of the State of Arkansas which was read and on motion of Mr. Whitfield ordered to be spread upon the journal of the Senate as follows:

Auditors office
Little Rock Nov 5th 1868

To the Hon President of the Senate and Speaker of the House of Representatives

The message of Ex Governor Rector, delivered to the two Houses at the opening of this session of the General Assembly contains passages calculated, if not intended, to reflect upon my conduct as a public officer. Owing to the fact that there

is no paper on which to print the reports of the Auditor and Treasurer, wherein full statements are made of the condition of the treasury, & that the message of the late Governor, with all its errors is printed and circulated, the facts so far as regards the actual condition of the treasury; the expenditures of the past two years, and the debt incurred in that time cannot now be laid before you and your constituents. Those reports would explain and refute many of the mistakes which the ex-governor has fallen into. There are other matters charged or insinuated by him involving as he says "gross dereliction of public duty somewhere", wherein the attempt is made to lay the blame on my shoulders. I should be wanting in respect for you and in self respect to let this ephemeral statement of the late governor go uncontradicted and not to attempt to put you in possession of the facts in the case. To show that there was no remissness of duty on my part I submit the following facts: The Military Board audited all accounts for clothing. There was also an office created by virtue of some Militia law called the office of "Paymaster General", where these accounts were kept. The money to pay them was drawn from the Treasury in gross sums on requisition and there was no means of knowing the items or matters of account for which this money was paid, from any books in or reports made to my office. The only way then was to procure the vouchers or accounts from the Military Board and copy them. I was well aware of the magnitude of the work and its importance and kept pace with it as fast as I could procure the accounts from the Military Board. The office was ordered to be removed to Washington in Hempstead county by way of Dardanelle in May last. I had the work in progress until this removal was ordered. The state officers before reaching Washington were ordered to Hot Springs and to remain there. At the Springs though part of the records were boxed up and the former uncertain how long we would remain there, I called upon the Secretary of the Military Board and upon his assistant Mr Agnew for the vouchers and accounts endeavoring to keep the matter entirely up so as to be able to state the account as soon as the payments were made. I was told then that these accounts or vouchers could not be shown as the Board was then sitting with the state Paymaster General and State Quartermaster General. The officers were brought back to this city

early in the month of August. Shortly after the return application was again made for these papers and the Governor was informed of the fact when he promised to have the documents sent to me. On the 13th day of October the Governor addressed me a note referred to in his message. In reply I stated the reason why the account was not made out. He sent me another note and enclosed a copy of a letter from the Secretary to him. In that letter the Secretary says that she does not recollect of my asking him for the vouchers and that he had furnished me with all the necessary papers as fast as he could do so. On the same day and after the reception of a copy of his letter he came into the Auditor's office and filed a voucher or account. On the 23rd day of October, ten days after he wrote the letter before referred to he presented and filed in my office no less than three or four hundred more of the vouchers or accounts. In stating these facts so necessary for my vindication I do not intend to cast any reflection upon the Secretary of the Military Board or his Assistant. Of course I immediately commenced having them copied and the work is still going on. Setting aside the fact that the Governor was urging me to have work done by the 13th of October when the means to do it was withheld until the 23rd, there is another view of the matter. The law requires the vouchers to be filed in my office. Sec 3 of the act approved 18th Nov. 1864 says: "Be it further enacted that all papers and vouchers necessary for the proof of such accounts and claims shall be filed in the office of the Auditor of this state and he shall furnish certified copies thereof for verification of such accounts and claims and whenever required". See page 40 of Acts of Nov 1864. Whose duty was it to bring them there. The Governor was President of the Military Board and had sworn to see the laws faithfully executed. I had no control whatever over the Secretary of the Board or the files of that office. He had. This gross dereliction of duty he speaks of was not with me for the accounts were kept up as fast as the vouchers were received and if the ex-Governor has been unable to send an agent to Richmond because the clothing accounts were not made out the fault is entirely not mine. It is not my purpose in this paper to do more than defend myself. Were I so disposed and this a fitting occasion I might show why these attacks were directed at me alone and were I disposed to make charges they might be bandbacked by ocular proof that would be incontrovertible. In the table of my report which is marked A the accounts of the state expenditures is given as $2,774,439.94. This the Ex-Governor tells you is not literally correct. Upon examining the books of the Treasurer, I find that his and my books agree. The late Governor goes on to say that $139,000 in war bonds are in the Treasury on special deposit $50,000 of the money drawn to pay the Confederate Tax was returned to the Treasury and $1,820.11 of another fund are in his hands and these should be deducted." It is apparent to any sensible man that I could have no knowledge of what money the board had on special deposit, what amount of public money the Governor had retained in his hands, or that a Militia Paymaster general had about $31,000 on hand. If these sums had been paid into the Treasury or returned to the funds from which they were drawn those funds would have been credited with the proper deductions made. I am aware, unofficially, that large sums of public money, are or ought to be in the hands of other accounting officers and I have seen this official reckon for large sums, but I cannot

credit the state with these amounts until they are received into the Treasury.

The former Governor is mistaken in supposing that the whole of the new debt created was on account of the Confederate State and it shows one that he overreached his hobby largely in supposing that it will be paid back. That the Confederate States will pay or allow a credit for clothing, arms, ammunition furnished is undoubtedly true, but that this will amount to much more than the Confederate tax is very doubtful. In adding the amount of the indebtedness of the state I did not include several items which may be considered as part of state expenditures. The outstanding swamp land scrip and bear warrants are to be redeemed with land and in fine since may be considered as a debt of the state. Indeed I was careful to get the amounts stated in my report in exact figures from my books and in making estimates I gave the most favorable ones that could be made. In the body of my report I gave my reasons at some length for the estimates of receipts and expenditures for the next two years. I estimated the revenue for 1863 at $125,000. Recent events have seemed to convince me that this estimate is too large. The revenue for the year 1863 will be the taxes of 1862 the present year. Before taxes can be collected they must be assessed. As I before stated from more than one-half the counties in the state no tax-books have been received and in many of them the taxes cannot be collected. Even in counties where the tax-payers are able to pay for want of assessments there can be no taxes collected. In my report I stated some of the difficulties with which the subject was environed and it will be useless to recapitulate them here. Indeed coming as the General Assembly does from all parts of the state they are fully aware of the difficulties in this respect. I am fearful that the amount to be derived from revenue the next two years will not equal the amount of the civil expenses of the state and the interest on the debt later created will amount to more than the net revenue. That a confederate tax will be collected is almost certain and whether the state assumes it or not the people will pay it at last. It is needless to disguise the fact that our lands are what we will have to look to for the means of paying the state debt. Even now when expenditures for

military purposes have almost entirely ceased the state is falling behind every day and at the end of two years will have a large account of paper in circulation. No fine theories or rose-colored views will alter the facts with which we shall have to deal. You will bear in mind that the convention directed the moneys belonging to or coming through certain funds to be placed in the general fund and an account kept with each office funds to the end that they may be reimbursed hereafter. Thus the war bonds and Treasury warrants issued on account of the swamp land fund, the Lunacy, Saline and Internal Improvement funds though paid into the Treasury and counted up in the gross receipts are really not redeemed by the state who owes them to the different funds. She is acting as trustee for them and though she collects the money due to them and uses it for her own purposes it is not hers properly speaking and will have to be reimbursed. The reports of the Auditor and of the Treasurer will be found to agree. He gives the same aggregates and his balances coincide with those of the auditor yet the late Governor fails to find any error in the report of the Treasurer. The latter officer no where credits any amount said to be in the hands of a paymaster, any balances in the hands of the Governor or any special deposits. There is not a member of this assembly who does not know that the books of the Auditor show only the amounts paid in and paid out on the different accounts and only such balances as are in the Treasury or are due from revenue collectors or receiving officers as shown by official reports made to him. It is questionable if as Auditor he could have credited an account with money in the hands of a third party even had he been made aware of it though he might in a note have mentioned the fact. The late Governor is heartedness scores upon me for failing to furnish him quarterly reports of the amount of moneys in the Treasury and says out of seven not one has been received. In January 1861 it was not necessary to report to the Governor as the legislature was in session and the committee was then examining the Treasurer's books and owed report to the General Assembly. The convention assembled in March and the press of business was so great that before reports were made out the convention again assembled in May. At the Governor's request I prepared statements for him which he transmitted to the convention and which were published. There were two special sessions of the legislature at which reports were made. The convention transmitted to the offices of the Auditor and Treasurer a vast amount of business. The Treasurer especially was overwhelmed with labor claims against the state had to be paid in war bonds and Treasury notes, the issuance of which, involving a great deal of labor, made it impossible for him to furnish me the quarterly reports at the proper time. Without these I could not make the report to the governor and under the circumstances it was

simply an impossibility. Part of the time the two offices were on wheels; the second boxed up and to have furnished one report I would have had to unhitch from a score or more of boxes, during heavy storms on the top of Poncha or Pitts Sea mountains. Notwithstanding all this whenever the late Governor called upon me for any information it was promptly furnished him and at times when other business required labor both by night and day. In my report for the reasons then set forth I suggested that the landed interests of the state should be put under the control of a separate Department. These interests are so great and so much depends upon their proper management that they should be arranged under a proper and prudent system and under the supervision of a competent officer. The present systems or conglomeration of systems with two sets of officers and different kinds of lands is cumbrous expensive and intricate. At the close of the war should the old offices be opened and business resumed the thousand errors now existing would be perpetuated and other errors heaped upon them. A simpler plan ~~ought to~~ might be adopted and the machinery ready to be put in operation when peace is declared. The late governor was mistaken in supposing that the creation of a land department would involve additional expense. In my opinion the expense to the state would be diminished. I have endeavored to answer the charges made or insinuated by the ex Governor in as simple and as plain a manner as possible, a statement of the facts and to avoid any language that savored of ill feeling or that appeared like a retort. My object here is to vindicate myself, not to make this hall the arena of a personal dispute. To that end I have confined myself to a simple statement of facts. My report is not only based upon the facts and figures in the tables submitted, but those identical facts & figures are also to be found in the report of the Treasurer. For each item receipt or disbursement there is a receipt or voucher on file. It is part of the duty of this General Assembly to have these books & vouchers examined. Competent gentlemen have been appointed a committee for that purpose and I ask of you and of them that they will perform that duty rigidly & carefully; that they will examine and report all errors of omission or commission. In this case there is something more than mere office at stake - there is reputation & character. For many years I have held offices of trust and have borne a character for integrity & perhaps acquired some reputation for business talents; I have endeavored to maintain both. It may be unfortunate that an official should have been charged whose temper & disposition were such as to make it unpleasant for other departments to hold intercourse with him; & it may be fortunate or unfortunate for me that emanating under a defeated party should in his last official act have made charges or insinuations against me. To vindicate myself I ask that my official conduct be strictly acquired into. I am willing to be judged by my acts. And as the document in which these charges & insinuations are made is spread at length upon your journals, I would fain ask as a matter of courtesy, if not a matter of right, that this paper be likewise made of record by your honorable body.

Respectfully,

Wm. R. Miller, Auditor of Arkansas

Message from the House of Representatives by the Clerk
Mr President

I am instructed to inform your Honorable Body that the House has passed the following resolution

Resolved— That the Senate be invited to attend the House of Representatives in their Hall on Friday next at 10 o'clock AM for the purpose of counting the votes for Governor

Your concurrence is respectfully asked

A. F. Woodward
Ass't Clerk H of Rep

~~Which~~ Said house resolution was read and on motion of Mr Trimble concurred in by the Senate

On motion of Mr Bunch the Senate adjourned until to-morrow morning 9 o'clock

Jno R Hampton
President pro tem

Friday Nov 7th 1862

The Senate met
Roll called

Present— Messrs Anthony, Belser, Bunch, Clark, Davis, Dodson, Emby, Halliburton, Hunt, Leach, Pollard Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams & Mr President— 20

The journal of yesterday was read approved and signed

Message from the House of Representatives by the Clerk

Mr President

I am instructed to inform your Honorable Body that the House has passed the following bills.

House bill No. 8. entitled an act to suspend the special road law in Desha, Craighead & Green Counties and for other purposes

House bill No. 11. entitled an act for the relief of parties at law in the Augusta district in the county of Jackson and for other purposes—

Which are herewith transmitted.

The House of Representatives has also adopted the following resolution

Resolved— (The Senate concurring) That a joint special committee be appointed to investigate that portion of the Governors message in reference to the manufacture of salt and that said committee be instructed to ascertain the number of salt-works now in operation in the state, the quantity now produced the best means of increasing that production and that said committee be further instructed to report by bill or otherwise the best mode of supplying the people with that indispensible article—

Which committee on the part of the House consists of Brothers- Mosely, Pettus, Carnall Scott, Jones of Lawrence, Connelly, Phillips, Lafferty, Perkins and McCollum,

The concurrence of your honorable body is respectfully asked

A. M. Woodruff
Clerk. H. of Rep.

Motions and resolutions were in order

Mr Van Patten offered the following resolution

Resolved that the Senate proceed to elect a Chaplain

Which resolution was read and Mr Belzer offered the following substitute thereon

Resolved— That the Revds Brothers Wallace Leech & Hallibarton members of this Senate be requested to open the deliberations of the Senate each day with prayer

Which substitute was read and adopted in lieu of the original resolution and thereupon adopted by the Senate

Mr Stillwell asked to be & was excused from serving on the committees on Banks & public printing

Reports from standing committees were in order

Mr Davis from the committee on Ways and Means made the following report

Mr President

The committee on Ways & Means to which Senate bill No 3 ~~was referred~~ to be substitute

An act to provide for the payment by the State for certain arms was referred have had the same under consideration, and have instructed me to report the accompanying substitute for said bill and to recommend its passage

Davis, Chairman

Which report was received and the accompanying substitute adopted in lieu of the original bill

Mr Williams moved to amend the 2nd sec of the bill by striking out the words "whose official character shall be certified to by the clerk of such county" which was adopted on a division 9 in the affirmative & 9 in the negative

On motion of Mr Davis Mr Dodson was added to the committee on judiciary

Message from the House of Representatives

Mr President.

I am instructed to inform your honorable body that the House has passed House bill No 3 entitled "an act to protect the interest and rights of persons holding certificates of preemption to any of the swamp & overflowed lands of this state"

Also House bill No 14 entitled "an act to amend an act to prohibit the further sale of the public lands of this state & for other purposes" approved march 21st 1862

Also House bill No 7 entitled "an act to retrocede portions of the county of Calhoun to the counties of Union and Bradley".

Which are herewith transmitted for the assent of your honorable body

The House has also adopted the following resolution:

Resolved – That a committee of five be appointed by the Speaker of this House to act with such committee as may be appointed by the Senate to notify the Hon Harris. Flanagin. of his election as Governor of the state of Arkansas and the Senate be requested to concur herein

The committee on the part of the House consists of Mssrs Pittes, Cornwell, Scott, Collins, of Bradley & Suttle,

Said resolution is herewith transmitted for the concurrence of your honorable body which is respectfully asked

I am also instructed to inform your honorable body that the House is now ready to receive the Senate in their hall for the purpose of counting the vote cast for Governor at the last General Election.

A. M. Woodruff
Clk. H. of R. of Reps

On motion of Mr Binnah the Senate repaired to the hall of the House and being there seated the roll was called whereupon the presiding officers announced to their names viz:

Messrs Anthony, Bilson, Bonnell, Clark Davis Dodson, Crosby, Hallinan, Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace Whitfield, Williams & Mr President — 20.

The roll of the House was then called and it appearing that there was a quorum of both houses present the abstracts of the respective counties were opened and the result of ~~such~~ the election in each was proclaimed by the Speaker of the House of Representatives as follows:

	Counties.	No of votes rec'd by Harris Flanagin	No of votes rec'd by Henry McRae	No of votes rec'd by Gl. S. H. Ramey	
1	Arkansas	333	80		
2	Ashley	455	125	43	
3	Baxter	235	102		Green 106
4	Bradley	259	438	5	
5	Calhoun	178	104	11	
6	Carroll	414	81	2	
7	Chicot	139	92	4	
8	Clark	737	46	13	
9	Columbia	293	536	17	
10	Conway	278	169	26	
11	Craighead	177	54		W. K. Pattison 79
12	Crawford	413	67	47	
13	Crittenden				
14	Dallas	446	48	3	
15	Desha	187	102	1	
16	Drew	377	321	21	
17	Franklin	311	48	7	
18	Fulton	153	96		
19	Greene				
20	Hempstead	549	223	7	
21	Hot Spring	424	53	1	
22	Independence	589	111		

23	Izard	316	88		
24	Jackson	609	127	2	
25	Jefferson	422	431	12	— Demand 1
26	Johnson	281	244	2	
27	Lafayette	263	178	28	Nancy Johnson 1
28	Lawrence	436	121	9	Wm K Patterson 6
29	Marion	344	129		
30	Madison	289	56		
31	Monroe				
32	Montgomery	256	14	2	
33	Mississippi				
34	Newton	148	98		
35	Ouachita	284	434	189	
36	Pike	195	64		
37	Polk	241	85	1	
38	Perry	77	32	10	
39	Pope	447	64	24	
40	Poinsett	27	209		Harris 2
41	Pulaski	581	229	27	Elias N. Conway 1
42	Phillips				
43	Prairie	892	175	57	
44	Randolph	122	127		W K Patterson 163
45	Saline	423	123	16	
46	Sebastian	500	193	18	
47	Scott	370	85	28	
48	Sevier	360	347	22	
49	St Francis	175	242		
50	Searcy	191	88		A B Pearce 1
51	Union	357	222	37	
52	Van Buren	389	62		
53	Washington	1189	27	5	
54	White	672	52		
55	Yell	316	177	20	
		18.139	7.419	708	

Whereupon, the Speaker of the House of Representatives announced that Harris Flanagin having received the highest vote given was duly and constitutionally elected Governor of the State of Arkansas for and during the term prescribed by the constitution thereof.

The Senate then returned to their Chamber and on motion of Mr Trimble took a recess ~~until~~ of ten minutes.

At the expiration of ten minutes the

Senate met.

On motion of Mr Trimble House joint resolution for the appointment of a committee of both Houses to take into consideration that part of the Governors message relating to the manufacture of Salt was taken up and read.

On motion of of Mr Burch the Senate concurred in said resolution

Mr President appointed as such committee on the part of the Senate Messrs Trimble, Hallimond, Williams, Smith, Hunt, Belser & Shilwell.

House bills on their first reading were ordered up.

H.B. No 8 House bill No 8 to be entitled "An act to suspend the special road law in Dallas, Bradley and Drew counties & for other purposes" was read the first time.

On motion of Mr Trimble the rules were suspended and the bill read the second time by title.

On motion of Mr Burch the rules were suspended the bill read the third time and passed.

H.B. No 3 House bill No 3 to be entitled "an act to protect the interests and rights of persons holding certificates of preemption to any of the swamp and overflowed lands of this state was read the first time

On motion of Mr Trimble the rules were suspended the bill read the second time by title & on his further motion referred to the committee on swamp and overflowed lands

H.B. No 7 House bill No 7 to be entitled "an act to retrocede portions of Calhoun County to the counties of Union and Bradley" was read the first time

H.B. No 11 House bill No 11 to be entitled "an act for the relief of parties at law in the Augusta district in the county of Jackson & for other purposes" was read the first time

On motion of Mr Anthony the rules were suspended & the bill read the second time

On motion of Mr Stillwell said bill was referred to the committee on Judiciary

House bill No 14 to be entitled "an act to amend an act to prohibit the further sale of the public lands of this State & for other purposes

approved March 21st 1862" was read the first time

On motion of Mr Williams the rules were suspended the bill read the second time by title and on his further motion referred to the committee on swamp & overflowed lands

SB No 8 Mr Williams introduced Senate bill to be entitled "an act to facilitate the collection of debts against estates of deceased persons"

Read the first time

On motion of Mr Williams the rules were suspended the bill read the second time by title and on his further motion referred to the committee on Judiciary

SB No 9 Mr Stillwell introduced Senate bill to be entitled "an act to amend the revenue laws"

Read the first time

On motion of Mr Stillwell the rules were suspended the bill read the second time by title and on his further motion referred to the committee on Judiciary

On motion of Mr Sherman the Senate adjourned until to-morrow morning 9 o'clock

Jno R Hampton

President pro tem.

Saturday Nov 8th 1862

Senate met

Prayer by the Revd S.C. Wallace

Roll called

Present— Mapes, Anthony, Belser, Bunch, Clark, Davis Dickson, Embry, Hallibourton, Hunt, Leech, Pollard, Sherman Smith, Stillwell, Trumble, Van Patten, Wallace, Whitfield, Williams & Mr President — 20

The journal of yesterday was read approved and signed

Reports from standing committees were in order

Mr Clark from the committee on judiciary made the following report

Mr President

SR No 9 The committee on judiciary to which was referred Senate bill No 9. to be entitled "an act to amend the revenue laws" have had the same under consideration and

have instructed me to report the same back to the Senate & recommend its passage

Clark

Chairman.

Which report was read & received

On motion of Mr. Stillwell the following amendment was adopted as an additional section of said bill viz

See " Be it further enacted that all lands that have been or may hereafter be forfeited to the state for the nonpayment of taxes shall not be sold by the auditor but remain subject to redemption by the original owners upon their paying the taxes penalty costs and interest due thereon as if the land had been purchased by individuals until the expiration of two years after the ratification of a treaty of peace between the Confederate States of America & the United States of America

Mr Pollard moved to amend the ~~second section~~ bill by striking out the words "Sold since the first day of January 1862"; which was not adopted.

On motion of Mr Clark the bill was read the third time when Mr Belser called for the yeas and nays on its passage.

Call sustained and ordered with the following result:

Yeas— Messrs Anthony, Belser, Bunch, Clark, Davis, Dodson, Embree, Hallinston, Hunt, Leech, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams & Mr President — 19.

Nay— Mr Pollard — 1.

So the bill passed.

Message from the House of Representatives by the clerk:

Mr President—

I am instructed to inform your honorable body that the House is now ready for the reception of the Senate for the purpose of going into the election of Confederate States Senator for this state.

A. M. Woodruff
Clerk of H. of Reps.

On motion of Mr Trimble the Senate repaired to the hall of the House of Representatives

and being then read the roll of the Senate was called when the following Senators answered to their names:

Messrs Anthony, Baker, Bunch, Clark, Davis, Dudson, Eustice, Hallinton, Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams and Mr President — 20

The roll of the House was then called by order of the Speaker and it appearing that there was a quorum of both houses present the President announced that nominations for Confederate States Senator to fill the vacancy occasioned by the expiration of the term of Hon R. W. Johnson, were in order.

Mr Scott of the House nominated Hon R W Johnson.

Mr Turr of the House nominated Hon A. H. Garland.

No other nomination being made the rolls were called with the following result:

Hon R. W. Johnson 11 in the Senate & 32 in the House — Total 43
Hon A. H. Garland 8 in the Senate & 34 in the House — Total 42

Those Senators voting for Mr Johnson were

Messrs Baker, Bunch, Davis, Dudson, Hallinton, Pollard, Sherman, Trimble, Van Patten, Whitfield and Mr President — 11.

Those voting for Mr Garland were

Messrs Anthony, Clark, Hunt, Leach, Smith, Stillwell, Wallace and Williams — 8.

Mr Eustice voted for Hon T. J. Batson

In the House Mr Batson also received 1 vote and Hon James Gill 1 vote.

There being no election the Convention proceeded to ballot the Second time with the following result:

Hon R. W. Johnson 11 in the Senate & 32 in the House — Total 43
Hon A. H. Garland 8 in the Senate & 34 in the House — Total 42

Those Senators voting for Mr Johnson were

Messrs Baker, Bunch, Davis, Dudson, Hallibrorton, Pollard, Sherman, Trimble, Van Patten, Whitfield and Mr President — 11

Those voting for Mr Garland were

Messrs Anthony, Clark, Hunt, Leach, Smith, Stillwell, Wallace, and Williams — 8.

Mr Embry voted for Hon H. I. Batson
In the House Mr Batson received 2 votes
~~There being no election the convention proceeded to ballot the third time with the following result~~ No election.
~~Hon R. W. Johnson in the Senate 11 & 32 in the House total – 43~~
~~Hon A. H. Garland in the Senate 8 & in the House 35 total 43~~

Mr Fain moved to take a recess until 2 o'clock P.M. on which motion the yeas and nays were called for and the call being sustained was made with the following result on point ballot:

In the affirmative 83
In the negative 5.

Those Senators voting in the affirmative were

Those voting in the negative were

Mefrs Anthony, Belser, Bunch, Clark, Davis, Dodson, Embree, Halliburton Hunt, Leach, Pollard Sherman, Smith, Stillwell, Trimble, VanPatten, Wallace, Whitfield, Williams and Mr President — 20

So the motion did not prevail.

The convention then proceeded to ballot the third time with the following result:
Hon. R. W. Johnson, in the Senate 11 votes & in the House 32 – total 43
Hon A. H. Garland, in the Senate 8 votes & in the House 35 – total 43

Those Senators voting for Mr Johnson were. Mefrs Bekes, Bunch, Davis, Dodson, Halliburton, Pollard, Sherman, Trimble, Van Patten, Whitfield and Mr President – 11

Those voting for Mr Garland were
Mefrs Anthony, Clark, Hunt, Leach, Smith, Stillwell, Wallace, and Williams – 8

Mr Embry voted for Hon H. I. Batson
In the House Hon J. Fletcher received one vote

There being no election the Senate proceeded to ballot the fourth time with the following result
Hon R. W. Johnson in the Senate – 11 in the House – 32 total – 43
Hon A. H. Garland in the Senate 8 & in the House 35 total 43.

Those Senators voting for Mr Johnson were
Mefrs Belser, Bunch, Davis, Dodson, Halliburton, Pollard, Sherman, Trimble, Van Patten, Whitfield and Mr President – 11.

Those voting for Mr Garland were
Mefrs Anthony, Clark, Hunt, Leach, Smith,

Stillwell, Wallace, and Williams — 8

Mr Embry voted for Hon H. I. Batson

Hon J. Hitchen received 1 vote in the House

There being no election the convention proceeded to ballot the fifth time with the following result —

Hon R. W. Johnson in the Senate — 11 in the House — 32 total — 43

Hon A. H. Garland in the Senate 8 in the House 34 total — 42

Those Senators voting for Mr Johnson were

Messrs Bilson, Bunch, Davis, Dodson, Hallibuston Pollard, Sherman, Trimble, Van Patten, Whitfield and Mr President — 11

Those voting for Mr Garland were

Messrs Anthony, Clark, Hunt, Leech, Smith, Stilwell, Wallace, and Williams — 8

Mr Embry voted for Hon. H. I. Batson

In the House Hon J. Hitchen received two votes

Mr Richardson of the House moved to take a recess until 2 o'clock P.M. which motion prevailed on a division 41 voting in the affirmative & 40 in the negative

At 2 o'clock P.M. the Convention met

The roll of the Senate was called when the following Senators answered to their names

Messrs Anthony, Bilson, Bunch, Clark, Davis, Dodson, Embry, Hallibuston, Hunt, Leech, Pollard Sherman, Smith, Stilwell, Trimble, Van Patten, Wallace, Whitfield, Williams, & Mr President — 20

The roll of the House was then called by order of the Speaker and it appearing that a quorum of both Houses was present the convention proceeded to the 6th ballot for Confederate Senator with the following result —

Hon R. W. Johnson in the Senate — 12 in the House — 31 total — 43

Hon A. H. Garland in the Senate — 7 in the House — 32 total — 39

Those Senators voting for Mr Johnson were

Messrs Bilson, Bunch, Davis, Dodson, Hallibuston, Leech, Pollard, Sherman, Trimble, Van Patten, Whitfield, and Mr President — 12

Those voting for Mr Garland were

Messrs Anthony, Clark, Hunt, Smith, Stillwell, Wallace, Williams — 7

Mr Embry voted for Hon H. I. Batson

There being no election the convention

proceeded to ballot the 7th time with the following result

Hon R.W. Johnson in the Senate-12 in the House -30 total -42
Hon A H Garland in the Senate 7 in the House 31 total -38

Those Senators voting for Mr Johnson were
Mesrs Belser, Bunch, Davis, Dodson, Hallibarton
Leech, Pollard, Sherman, Trimble, Van Patten,
Whitfield & Mr President -12

Those voting for Mr Garland were
Mesrs Anthony, Clark, Hunt, Smith, Stillwell,
Wallace, and Williams -7

Mr Embry voted for Hon F.J. Batson
In the House Mr Batson received 4 votes
Hon J. Fletcher 2 votes and Hon J Gill 2 votes

There being no election the convention proceeded to ballot the 8th time with the following result

Hon R.W. Johnson in the Senate -12 in the House-31 total - 43
Hon A.H. Garland in the Senate - 7 in the House -32 total -39

Those Senators voting for Mr Johnson were
Mesrs Belser, Bunch, Davis, Dodson, Hallibarton
Leech, Pollard, Sherman, Trimble, Van Patten,
Whitfield & Mr President - 12

Those voting for Mr Garland were
Mesrs Anthony, Clark, Hunt, Smith,
Stillwell, Wallace, & Williams - 7

Mr Embry voted for Hon F.J. Batson
In the House Mr Batson received 4 votes
and Hon J. Fletcher 2 votes

There being no election the convention proceeded to ballot the 9th time with the following result

Hon R.W. Johnson in the Senate - 12 in the House - 31 Total - 43
Hon A.H. Garland in the Senate - 7 in the House - 33 total - 40

Those Senators voting for Mr Johnson were
Mesrs Belser, Bunch, Davis, Dodson, Hallibarton
Leech, Pollard, Sherman, Trimble, Van Patten,
Whitfield and Mr President - 12

Those voting for Mr Garland were
Mesrs Anthony, Clark, Hunt, Smith, Stillwell
Wallace, and Williams, - 7

Mr Embry voted for Hon F.J. Batson
In the House Mr Batson received 3 votes
an Hon J Fletcher 2 votes

There being no election the convention proceeded to ballot the 10th time with the following result

Hon R. W. Johnson in the Senate—12 in the House—31 total—43
Hon A. H. Garland in the Senate—7 in the House—33 total—40

Those Senators voting for Mr Johnson were

Mesrs Belser, Bunch, Davis, Dodson, Hallibuston, Luck, Pollard, Sherman, Trimble, Van Patten, Whitfield and Mr President—12

Those voting for Mr Garland were

Mesrs Anthony—Clark, Hunt, Smith, Stillwell, Wallace, and Williams,—7

Mr Embry voted for Hon H. I. Batson

In the House Mr Batson received 2 votes and Hon O. Fletcher, 3 votes

There being no election the convention proceeded to ballot the 11th time with the following result

Hon R. W. Johnson in the Senate—12 in the House—31 Total—43.
Hon A. H. Garland in the Senate—7 in the House—33 total—40

Those Senators voting for Mr Johnson were

Mesrs Belser, Bunch, Davis, Dodson, Hallibuston Luck, Pollard, Sherman, Trimble, Van Patten, Whitfield, and Mr President—12

Those voting for Mr Garland were

Mesrs Anthony, Clark, Hunt, Smith, Stillwell, Wallace, and Williams,—7

Mr Embry voted for Hon H. I. Batson

In the House Mr Batson received 2 votes and Hon O Fletcher 3 votes

Mr Van Patten of the Senate moved to ~~adjourn~~ ~~until~~ Monday morning 10 o'clock which motion prevailed on a division 44 voting in the affirmative and 40 in the negative

So the convention adjourned

Jno R Hampton
President pro tem

Monday Nov. 10 1862

The convention met. Prayer by Rev D. L. G. McKenzie
Roll of the Senate called
Present Mesrs—Anthony, Belser, Bunch, Clark, Davis, Dodson, Embry, Hallibuston, Hunt

Leach, Pollard, Sherman, Smith, Stillwell, Trimble Van Patten, Wallace, Whitfield, Williams & Mr President — 20

The roll of the House was then called by order of the Speaker and it appeared that there was a quorum of both Houses present.

Mr Cheatham, a member of the House, being present, came forward and took the oath of office, which was administered by Hon T. H. Compton.

The President of the Senate announced that the convention would proceed to the election of Confederate States Senator when the twelfth ballot was had as follows:

For R. W. Johnson, in the Senate, 12, in the House 34 — Total 46
" A. H. Garland in the Senate 7 in the House 35 — Total 42

Those senators voting for Mr Johnson were Messrs, Baker, Bunch, Davis, Dodson, Halliburton. Leach, Pollard, Sherman, Trimble, Van Patten, Whitfield and Mr President, — 12

Those voting for Mr Garland were Messrs Anthony, Clark, Hunt, Stillwell, Smith, Wallace and Williams. — 7

Mr Embry voted for Hon T. T. Batson

In the the House Mr Batson also received 1 vote

Whereupon the Speaker of the House of Representatives announced that Hon R. W. Johnson having received a majority of all the votes given was duly and constitutionally elected Confederate States Senator for and during the term ~~prescribed~~ of ~~by~~ six years from the expiration of his present term of office.

The Senate then returned to their Chamber

Roll called

Present — Messrs Anthony, Baker, Bunch, Clark, Davis, Dodson, Embry, Halliburton, ~~Hunt~~, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams, & Mr President, 20

The journal of the Senate and Convention of Saturday was read approved and signed.

Motions and resolutions were in order

Mr Bunch offered the following joint Resolution

Resolved by the General Assembly of the State of Arkansas that the sum of Two thousand four hundred and twenty-three & 95/100 dollars be and the same

is hereby appropriated out of any money in the treasury not otherwise appropriated to pay the expenses of Lieut-Col Joseph S. Munro battalion of state troops mustered into service by Gen Edmund Burgwin on the 17th of October 1861 and it is hereby made the duty of the Military Board to audit and allow the accounts of John H. Brittain Quartermaster of said battalion and pay the same out of this appropriation.

Which resolution was read.

On motion of Mr Bunch the rules were suspended the resolution read the second time and referred to the committee on claims

On motion of Mr Pollard the name of Mr Trimble was added to the committee on ~~claims~~. Way & Means

Mr Trimble offered the following resolution:

Resolved— That the standing committee of the Senate and of the House of Representatives on Auditors and Treasurers books be made a joint committee and that the House of Representatives be requested to concur herein

Which was on his motion adopted

Reports from standing committees were in order

Mr Clark from the committee on Judiciary made the following report

Mr President

SB No 8 — The judiciary committee to which was referred Senate bill No 8 to be entitled "an act to facilitate the collection of debts against the estates of deceased persons" have instructed me to report the same back to the Senate and recommend its passage

Clark. Chairman

Which report was received and

On motion of Mr Clark the bill was read the third time and passed

Mr Clark further from the judiciary committee reports the following report

Mr President

HB No 11 — The judiciary committee to whom was referred House bill No 11 to be entitled "an act for the relief of parties at law in the Augusta district in the county of Jackson and for

other purposes" have instructed me to report the same back to the Senate and, with certain amendments to recommend its passage

Clark
Chairman

Amend the 1st Section by striking out the word "parties" wherever it occurs and insert the word defendants in lieu thereof

Amend by striking out the second section and inserting. "That the provisions of Chapter 9 of the Digest shall apply to all cases now pending in the probate court in the Jacksonport district in Jackson County when the parties or estate is situate in the Augusta district"

Which report was read and received

The first amendment was read & on motion of Mr Trimble adopted

The second amendment was also read & on motion of Mr Trimble adopted

The bill was then read the third time as amended and passed

On motion of Mr Branch the Hon Mr Clark Confederate States Senator from Missouri was invited to a seat within the bar of the Senate

The introduction of bills was in order

SB. No. 10 Mr Williams introduced a bill to be entitled "an act to amend chapter 17 of the digest of the statutes of Arkansas"

Read the first time

On motion of Mr Williams the bill was read the second time by title and referred to the committee on judiciary

Mr Branch was called to the chair

House bills were ordered off

HB. No 7 House bill No 7 to be entitled "an act to reinvest portions of Calhoun County to the Counties of Union & Bradley" was read the second time & on motion of Mr President the rules were suspended and the bill read the third time and passed

Senate bills were ordered off

SB No 3 Senate bill No 3 to be entitled "an act to provide for the payment by the State for certain arms" was read the second time

Mr Trimble offered to amend the bill by striking out of the 1st section the following words:

"For the use of State troops preceding to the transfer of such troops to the service of the confederate states".

Mr Clark offered the following substitute for Mr Trimble's amendment which was accepted by Mr Trimble to wit:

Provided that the provisions of this act shall apply also to persons who have furnished arms to Col McCrays battalion.

Said amendment was not adopted on a division therefor — 7 in the affirmative and 11 in the negative.

Mr Dodson offered the following amendment:

Add after the word "claimant" in the 2d section the words "or any person for him".

Strike out "justice of the peace" in section 2 and insert "clerk of the county court to be authenticated by the seal of said court".

Add the following section:

Sec. That nothing in this act shall be so construed as to prevent persons who are now in the service of the Confederate states from making said affidavit within twelve months after they are discharged from said service.

The question on the first amendment was decided in the negative

The second and third amendments were severally adopted.

Mr Hallinan offered to amend the 2d section by inserting after the words "such affidavits" the words "with the receipts given for such arms"; which amendment was adopted.

Mr Stillwell offered to amend said section by inserting the words "and have not been paid for by the state or the Confederate states" after the words "value thereof"; which amendment was adopted.

On motion of Mr Clark the bill was read the third time as amended & passed.

Message from the House of Representatives by the Clerk

Mr President

I am instructed to inform your honorable body that the House has passed House bill No 6 to be entitled "an act for the relief of persons

holding mortgaged property & others" the bill is herewith transmitted for your consideration

S F Woodard
asst Clerk

S B No 6

Senate bill No 6 to be entitled "an act to appropriate the Internal improvement fund of Independence County for the relief of the destitute families of volunteers"

Which was read the second time

Mr Anthony offered to amend the bill as follows — The county court shall have authority to issue scrip redeemable by the internal improvement commissioner not exceeding the amount of funds in his hands to bear interest at the same rate the funds are now bearing & that the counties ~~and that the counties~~ of White and Jackson be added

Which amendment was adopted

On motion of Mr Sherman the counties of Van Buren & Izard were added to the provisions of the bill

On motion of Mr Hunt the county of Gill was added to the provisions of the bill

On motion of Mr Van Patten the county of Poinsett was added to the provision of the bill

On motion of Mr Tanner The County of Carroll was added at the request of Mr Bunch

On motion of Mr Wallace the counties of Union & Columbia were added

On motion of Mr Smith the counties of Pike & Polk were added

Mr Trimble offered to amend the bill with the following ~~additional~~ section ~~in lieu~~ Sec 3 of

sec 3 Be it further enacted That this act shall apply to the destitute families of those who are out in the service of the Confederate States under the conscript law and to all indigent widows having sons in the service and that this act shall take effect from and after its passage

Which amendment was read & adopted.

The bill then took its course under the subs.

S B No 6

House bill No 6 to be entitled An act for the relief of persons holding mortgaged property

and others", was taken up and read the first time.

On motion of Mr Belser the rules were suspended the bill read the second time, by title, and

On motion of Mr Stillwell referred to the committee on the Judiciary.

Mr Williams on leave offered the following resolution:

Resolved, That a special committee be raised for the purpose of enquiring into the propriety of merging the different land offices in the various land districts of this state; and as to the propriety of creating a separate department of state, which shall have control and management of the landed interests of the state, and report by bill or otherwise.

Which resolution was read and adopted.

Mr President appointed as such committee Messrs Williams, Clark and Smith.

On motion of Mr Van Patten the Senate adjourned until 9 O'clock tomorrow morning

Jno R Hampton

President pro. tem

Tuesday Nov 11th 1862

The Senate met

Prayer by the Rev Simon Leech.

Roll called

Present- Messrs Anthony, Belser, Bunch, Clark Davis, Dodson, Embry, Halliburton, Hunt, Leech, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield. Williams, & Mr President – 20

The journal of yesterday was read approved and signed

Motions and resolutions were in order

Mr Sherman offered the following resolution

Resolved – That the committees on the Penitentiary of both Houses be made a joint committee and that the concurrence of the House be requested herein

Which was read and on motion of Mr Bunch adopted

Mr Whitfield offered the following resolution

Resolved— That our Senators be instructed and Representatives in congress requested to use their influence to have a resolution passed through the Congress of the Confederate States proposing to the Northwestern States of the United States that upon the cessation of hostilities by them against the Confederate States that they will grant them the free navigation of the Mississippi river

Mr Belser moved to amend the resolution so as to leave it discretionary with the Senators and Representatives in Congress pending which

Mr Van Patten moved to lay the resolution on the table for the present; which motion prevailed

Petitions and memorials were in order

Mr Wallace presented the petition of sundry citizens of Columbia county praying that the forfeiture taken against Elizah Cates & his securities at the Spring term 1861 of the Columbia circuit court be paid to Colin L McRea as trustee for the use and benefit of the widow and children of Minton Utley

No 10½ Which petition, with the accompanying bill to be entitled "an act for the benefit of the widow and children of Minton Utley of Columbia County was read

On motion of Mr Belser the rules were suspended the bill read the second time and

On motion of Mr Van Patten referred with the accompanying petitions to the committee on Memorials

Mr Halliburton offered the following resolution

Resolved— That the thanks of Arkansas are due to Col W.H. Coleman for his bold daring in meeting our invading foe at Batesville and afterwards hanging upon his rear and destroying his trains and further that we recommend him to the favorable notice of the war department

Mr Belser moved to strike out all that part of the resolution after the word "trains"

Which motion was sustained on a division affirmative 10 negative 9

Mr Hunt moved to amend by inserting after the Coleman, the words "& the brave men under his command"

Which amendment was adopted

The resolution was then read as amended and

On motion of Mr Halliburton adopted

Message from the House of Representatives by the Clerk

Mr President

I am instructed to inform your honorable body that the House has passed the following bills.

House bill No 12 (Substitute) to be entitled "an act amendatory of an act to prevent the distillation of grain into ardent spirits, approved March 19th 1862"

House bill No 17 to be entitled "an act to adopt Delphy. Cain. Rachael. Cain, & Jacob. Pitser Cain and make them the legal heirs of William. Cain.

House bill No 22 to be entitled "an act to consolidate the principal and interest of the common school fund of Montgomery County".

Which are herewith transmitted for your consideration

The House has also adopted the following joint resolution

Resolved— That a joint special committee (the Senate concurring) be appointed to enquire into the propriety of memorializing the President of the Confederate States on the policy and expediency of transferring Gen Price and the troops under his command to the department west of the Mississippi river & that said committee be instructed (if in their judgement it be thought prudent) to draw up a memorial to that effect and present the same for the consideration of the Legislature

The committee on the part of the House consists of Messrs Mosely, Lowry, Pettus, Cornall and Collins of Dren — also the following join resolution

Resolved— That the House (the Senate concurring) agree to elect a secretary of State on Wednesday next at 10 o'clock. A.M.

Which are herewith submitted and your concurrence respectfully asked

G F Woodward

Asst. Clerk Hy Rep

Reports from Standing committees were in order

Mr Clark from the committee on judiciary

made the following report
Mr President—

The judiciary committee to which was referred House bill No 4 to be entitled "an act for the relief of persons holding mortgage property and others" have had said bill under consideration and have instructed me to report the same to the Senate with certain amendments and recommend its passage

Clark Chairman

H B No 4

Amend by striking out the second section and inserting—

That if any person removing any mortgaged property out of any county where the mortgage is recorded according to the provisions of the first section of this act shall fail to return the same to such county within twelve months after the danger mentioned in the preceding section shall cease such person so offending shall be liable to an indictment and on conviction be punished by imprisonment in the penitentiary not less than one nor more than two years

Provided such mortgaged debt shall remain unpaid or unsatisfied

Which report with the amendment was adopted and recommitted and

On motion of Mr Clark the amendment was adopted

On motion of Mr Stillwell the bill as amended was read the third time and passed

Mr Stillwell from the committee on claims made the following report
Mr President

The committee on claims to which was referred a resolution to authorize the Military Board to audit and pay the accounts of John H Brittain quartermaster of Lieut Col Lusk's Moores Battalion have had the same under consideration and have instructed me to report the following substitute therefor and recommend its adoption

Stillwell

Chairman

Substitute =

Resolved by the General Assembly of the State of Arkansas that the Military Board be authorized and they are hereby required to audit and pay the accounts of John M Brittain Quartermaster of Lieut Col Joseph S. Morris Battalion out of the unexpended balance of the Military fund under the control of said Board, without requiring said accounts to be approved or certified by said Lieut Col.

Which report was received and on motion of Mr Branch the substitute adopted in lieu of the original.

On his further motion the substitute resolution was read the third time and passed.

Mr Davis from the committee on ways & means made the following report:

Mr President =

SB No 7. The committee on ways and means to whom was referred Senate bill No 7 entitled an act to provide for a commission of engineers have had the same under consideration and have instructed me to report the same back to the Senate with the following additional section and to recommend its passage.

Davis chairman

Sec 4 Be it further enacted that all laws in conflict with this act hereby the same are hereby repealed, and this act take effect from its passage.

Which report was received and on motion of Mr Davis the amendment adopted.

On motion of Mr Trimble the bill was read the third time as amended and passed.

Mr Davis further from said committee made the following report -

Mr President

SB No 2 The committee on ways and means to which was referred Senate bill No 2 to be entitled an act for the relief of certain tax payers have had the same under consideration and I am instructed by the committee to report the same back to the Senate and ask to be discharged from its further consideration.

Davis chairman

Which report was adopted and the committee accordingly discharged.

Mr Hallinan offered to amend the bill by striking out sec 1 and inserting the following:

Sec 1 That all private and non-commissioned officers now in the service of the Confederate States of America and all who may hereafter enter said service, shall be relieved from paying state and county tax, while they remain in said service.

Which amendment was on motion of Mr Bunch adopted.

On motion of Mr Williams the bill was laid on the table for the present.

The introduction of bills was in order.

Mr Clark was called to the chair.

S.B No 11 Mr Van Patten introduced Senate bill to be entitled an act concerning the future issuance of War Bonds and Treasury Warrants

Read the first time.

On motion of Mr Van Patten the rules were suspended the bill read the second time by title & referred to the committee on ways and means.

S.B No. 12 Mr Williams introduced Senate bill to be entitled an act to amend Chap 147 of the Digest concerning county revenue.

Read the first time

On motion of Mr Williams the rules were suspended the bill read the second time, by title, and referred to the committee on Judiciary.

S.B No. 13 Mr Stillwell introduced Senate bill to be entitled an act concerning the revenue of the counties.

Read the first time.

On motion of Mr Stillwell the rules were suspended the bill read the second time by title, and referred to the committee on Judiciary

S.B No 14 Mr Stillwell introduced Senate bill to be entitled an act to authorize Edward B Blanks to erect and keep a toll bridge across Mannelle Creek.

Read the first time.

On motion of Mr Stillwell the rules were suspended the bill read the second time, by title, and on motion of Mr Belcher referred to the committee on Memorials.

SB No. 15 Mr Leach introduced Senate bill to be entitled An act to suspend the revenue laws.

Read the first time.

On motion of Mr Leach the rules were suspended the bill read the second time, by title, and on motion of Mr Trimble referred to the committee on ways and means.

SB No. 16 Mr Williams introduced Senate bill to be entitled An act for the relief of B. L. Britton & Co.

Read the first time.

On motion of Mr Williams the rules were suspended the bill read the second time, by title, and with the accompanying documents referred to the committee on Claims.

Mr President resumed the chair

On motion of Mr Trimble House resolution to go into the election of Secretary of State on to-morrow at 10 o'clock A.M., was taken up and read

Mr Clark moved to amend by inserting the words Auditor and Treasurer after Secretary of State; which motion was lost

On motion of Mr Belcher 10 o'clock A.M was stricken out of the resolution and 4 o'clock P.M inserted in lieu thereof

The resolution as amended was then concurred in by the Senate

On motion of Mr Clark House joint resolution for the appointment of a select committee to enquire into the propriety of memorializing the President of the Confederate States to transfer General Price with his troops west of the Mississippi river was taken up and read

On motion of Mr Pollard the Senate refused to concur in said resolution

House bills were ordered up.

HB No. 12 House bill No 12 to be entitled "an act amendatory of an act to prevent the distillation

of grain into ardent spirits approved March 19th 1862" was read the first time

On motion of Mr Whitfield the rules were suspended the bill read the second time by title and referred to the Committee on Ways & means

H B No 17 House bill No 17 to be entitled "an act to adopt Delphy. Cain, Rachael. Cain, and Jacob. Pitser Cain. and make them the legal heirs of William Cain was read the first time

On motion of Mr Leach the rules were suspended the bill read the second time by title an took its course under the rules

Mr Trimble was called to the chair

Message from the House of Representatives by the clerk

Mr President

I am instructed to inform your honorable body that the House has concurred in the Senate amendment to House joint resolution to go into the election of Secretary of state at the hour of 4 O'clock PM on to-morrow

A H Woodward

Asst. Clerk Hoy Rep

H B No 22 House bill No 22 to be entitled "an act to consolidate the principal and interest of the common School fund of Montgomery county was read the first time

On motion of Mr Belser the rules were twice suspended the bill read the second & third times and passed

On motion of Mr Belser the Senate adjourned until 9 o'clock to-morrow morning

Jno R Hampton

President pro tem

Wednesday Nov 12 1862

The Senate met

Prayer by the Revd Samuel Halliburton

Roll called

Present— Messrs Anthony, Belser, Bunch, Clark, Davis, Dodson, Embry, Halliburton, Hunt, Leach, Pollard, Sherman, Smith, Stillwell Trimble, Van Patten, Wallace, Whitfield, Williams, & Mr President — 20

The journal of yesterday was read approved and signed

Message from the House of Representatives by the clerk.

Mr President

I am instructed to inform your honorable body that the House has passed the following bills

House bill No 10 — ~~entitle~~ to be entitled "an act to authorize the sheriffs elect of the counties of Lawrence Randolph, & Searcy to collect the taxes in said counties for the years 1862

H R No 15 — House bill No 15 — to be entitled "an act to provide for the temporary holding of County courts in certain cases and for other purposes"

H R No 16 — House bill No 16 to be entitled "an act in relation to the revenue laws of this state"

H R No 27 — House bill No 27 — to be entitled "an act to change and regulate the time of holding the Probate court of Polk county Arkansas

H R No 28 — House bill No 28 — to be entitled "an act to compensate the County & Probate judge of Arkansas county

H R No 34 — House bill No 34 — to be entitled "an act fixing the time of the election of members of congress of the Confederate States

Said bills are herewith transmitted and the concurrence of your honorable body respectfully asked

A H Woodard
Asst Clerk. H of R

Mr Whitfield asked permission to withdraw his resolution ~~proposing~~ to memorialize Congress to propose to the Northwestern States that upon the cessation of hostilities by them the free navigation of the Mississippi river will be granted to them which was granted

Reports from standing committees were in order

Mr Clark from the committee on judiciary made the following report

Mr President

SB No 10 The judiciary committee to which was referred Senate bill No 10 to be entitled "an act to amend chapter 17 of the Digest have had the same under consideration & have instructed me to report the same back to the Senate and recommend its passage

Clark chairman

Which report was received and

On motion of Mr Clark the bill was read the third time and passed

Mr Clark further from said committee made the following report

Mr President

SB No 13 The judiciary committee to which was referred Senate bill No 13 to be entitled "an act concerning the revenue of the counties" have had the same under consideration and have instructed me to recommend its passage

Clark chairman

Which report was received and

On motion of Mr Burnett the bill was read the third time and passed

Mr Clark further from the judiciary committee made the following report

Mr President

SB No 12 The committee on judiciary to which was referred Senate bill No 12 to be entitled "an act to amend chapter 147 of the Digest concerning county revenue" have instructed me to report the same back to the Senate and recommend its passage

Clark chairman

Which report was received the bill read the third time and passed

The introduction of bills was in order

SB No 17 Mr Stillwell introduced Senate bill to be entitled "an act to regulate ~~the~~ proceedings under capter 170 of the Digest"

Read the first time

On motion of Mr Stillwell the rules were suspended the bill read the second time by title and referred to the committee on judiciary

SB No 18 Mr Anthony introduced Senate bill to be entitled "an act for the relief of persons who furnished guns for the 8th Regiment of Arkansas volunteers."

Read the first time

On motion of Mr Anthony the rules were suspended the bill read the second time and referred to the committee on Ways & Means

SB No 19 Mr Clark introduced Senate bill to be entitled "an act to amend the Charter of Fort Smith"

Read the first time

On motion of Mr Clark the rules were twice suspended the bill read the second and third times & passed

SB No 20 Mr Halliburton introduced Senate bill to be entitled "an act for the relief of Moses T Harding school commissioner of Lawrence county"

Read the first time

On motion of Mr Halliburton the rules were twice suspended the bill read the second and third times & passed

Mr Wallace offered the following joint resolution:

Resolved, by the General Assembly of the State of Arkansas, That, at the close of the present session the Secretary of State labor to the Confederate Military authorities the carpets on the floors of the State House to be made into blankets for the use of soldiers from Arkansas now in the army.

Which was read the first time.

On motion of Mr Bennet the rules were twice suspended the ~~bill~~ resolution read the second and third times and passed.

SB No 21 Mr Trimble introduced Senate bill to be entitled An act to pay the thirty day volunteers or Militia called out by Col Borland at Pocahontas Arkansas in the month of Nov. 1861

Read the first time.

On motion of Mr Trimble the rules were suspended the bill was read second time, by title and referred to the committee on ways and means

House bills were ordered up.

H B No 10 House bill No 10 to be entitled An act to authorize the Sheriffs elect of the Counties of Lawrence Randolph and Sevier to collect the taxes in said counties for the year 1862, was read the first time.

On motion of Mr Dodson the rules were suspended the bill was read the second time, and

On motion of Mr Branch the rules were again suspended the bill was read the third time and passed.

H, B, No 15 House bill No 15 to be entitled An act to provide for the temporary holding of county courts in certain cases & for other purposes, was read the first time and took its course under the rules.

H B No 27 House bill No 27 to be entitled An act to change and regulate the time of holding the Probate Court of Polk county Arkansas, was read the first time.

On motion of Mr Conley the rules were twice suspended the bill was read the second and third times and passed.

H B No 28 House bill No 28 to be entitled An act to compensate the county and Probate Judge of Arkansas county, was read the first time

On motion of Mr Stallard the rules were twice suspended the bill was read second and third times and passed.

H B No 34 House bill No 34 to be entitled An act fixing the time for the election of members of Congress of the Confederate States, was read the first time.

On motion of Mr Conley the rules were suspended the bill was read second time and referred to the committee on elections.

H B No 17 House bill No 17 to be entitled An act to adopt Delphy Cain, Rachael Cain and Scott Pitser Cain and make them the legal heirs of William Cain, was read for information.

On motion of Mr Leach the bill was read the third time and passed.

Senate bills ordered up.

SB No 2 Senate bill No. 2 to be entitled an act for the relief of certain taxpayers in this state was read for information.

Mr Burch offered the following amendment:

Insert after the word "service" in 3rd line of sec 8 the words "whose property is not worth exceeding the sum of five hundred dollars"

Which was on his motion adopted.

SB No 4 Senate bill No. 6 to be entitled an act to appropriate the Internal Improvement fund of certain counties for the relief of the destitute families of volunteers was read.

On motion of Mr Clark the word "also" was inserted after the word shall in the 5th Section of the bill.

On motion of Mr VanPatten the amt of $8 Francis was made subject to the provisions of the bill.

The bill was then ordered to take its place upon the calendar.

House resolution to notify Col Harris Flanagin of his election as Governor, by a joint committee, was read and on motion of Mr Burch concurred in.

Messrs Burch Whitfield and Sherman were appointed the committee on the part of the Senate.

SB No 22 Mr Williams, on leave, introduced Senate bill No 22 to be entitled an act to amend Chapter 40 of the Digest under the head of "Costs".

Read the first time

On his motion the rules were suspended the bill read the second time and referred to the committee on Judiciary.

Message from the House by the assistant Clerk:

Mr President

I am instructed to inform your honorable body that the House has concurred in the Senate resolution to make the committee of the two Houses on Auditing and Examining books a joint committee. The House has also concurred

in Senate resolution making the committee of the two Houses on the Penitentiary a joint committee

The House has also concurred in Senate amendments to House bill No 11 and have passed the bill as amended

HB No 11

A. H. Woodward
Asst Clerk H of Rep

Mr Bunch on leave offered the following resolution

Resolved — That the committee on swamp and overflowed lands be instructed to inquire and ascertain if possible what laws are necessary to be passed if any in relation to the several land offices of this state and report by bill or otherwise

Which was read and on his motion adopted

On motion of Mr Van Patten the Senate took a recess until 3½ o'clock P.M.

3½ o'clock P.M.

The senate met

Mr Stilwell from the committee on claims on leave made the following report

Mr President. the

SB No 16

The committee on claims to which was referred Senate bill No 16 to be entitled an act for the relief of B. L. Britain &c have considered the same and instructed me to report it back and recommend its passage

Which report was read and received and

On motion of Mr Williams the bill read the third time and passed

Mr Williams asked to be and was excused from serving on the joint select committee on that portion of the Governors message in relation to the manufacture of salt

Message from the House of Representatives by the assistant clerk

Mr President.

I am instructed to inform your

honorable body that the House is now ready to receive the Senate for the purpose of going into the election of Secretary of State

A F Woodward
Asst Clerk H of Rep

On motion of Mr Trimble the Senate repaired to the Hall of the House of Representatives and being seated therein the roll was called by order of the President when the following Senators answered to their names

Messrs Anthony, Belser, Bunch, Clark, Davis, Dodson, Embry, Halliburton, Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams & Mr President—20

The roll of the House was then called by order of the Speaker and it appearing that a quorum of both Houses were present the President announced that nominations for Secretary of State were in order

Mr Jones of Lawrence, on behalf of the House of Representatives nominated John S. Trigg
Mr Tucker of the House nominated Hon. O. H. Oats
Mr Scott of the House nominated " I. R. Berry
Mr Mallory of the House nominated " C. Block
Mr Mosely of the House nominated " G. I. Sterman

No other nominations being made the rolls were called with the following result

John S Trigg in the Senate—3 in the House—12 Total—15
Hon O H Oats in the Senate 5 in the House—14 Total— 19
I. R. Berry in the Senate—3—in the House—14 Total — 17
C Block in the Senate—4 in the House—14 Total — 18
G. I. Sterman in the Senate—5 in the House — 14 Total — 19

Those Senators voting for Mr Trigg were
Messrs— Anthony, Leach, & Wallace,—3
Those voting for Mr Oats were
Messrs— Belser, Pollard, Trimble, Van Patten and Whitfield — 5

Those voting for Mr Berry were
Messrs. Bunch, Clark, & Dodson, — 3
Those voting for Mr Block were
Messrs— Smith, Stillwell, Williams & Mr President—4
Those voting for Mr Sterman were
Messrs— Davis, Embry, Halliburton, Hunt, & Sherman — 5

There being no election the committee

proceeded to ballot the second time with the following result

J.J. Trigg in the Senate-3 in the House-11 total-14
C.H. Oats in the Senate-5 in the House-15 total-20
J.R. Berry in the Senate-3 in the House-14 total-17
A. Block in the Senate-4 in the House-15-total-19
J.J. Sturman in the Senate-5 in the House-13 total-18

Those Senators voting for Mr Trigg were Messrs. Anthony, Leach, and Wallace-3

Those voting for Mr Oats were Messrs Belser, Pollard, Trimble, Van Patten, and Whitfield-5

Those voting for Mr Berry were Messrs Bunch, Clark, & Dodson,-3

Those voting for Mr Block were Messrs-Smith, Stillwell, Williams and Mr President=4

Those voting for Mr Sturman were Messrs-Davis, Embry, Hallibuston, Hunt, and Sherman-5

There being no election the convention proceeded to ballot the third time with the following result

John J. Trigg in the Senate-3 in the House-13 total-16
C.H. Oats in the Senate-5 in the House-12 total-17
J.R. Berry in the Senate-3 in the House-14 total-17
A Block in the Senate-4 in the House-15 total-19
J.J. Sturman in the Senate-5 in the House-15 total-20

Those Senators voting for Mr Trigg were Messrs-Anthony, Leach and Wallace-3

Those voting for Mr Oats were Messrs-Belser, Pollard, Trimble, Van Patten and Whitfield-5

Those voting for Mr Berry were Messrs-Bunch, Clark, & Dodson,-3

Those voting for Mr Block were Messrs-Smith, Stillwell, Williams & Mr President-4

Those voting for Mr Sturman were Messrs-Davis, Embry, Hallibuston, Hunt and Sherman-5.- Mr Jones withdrew the name of Mr Trigg

There being no election the convention proceeded to ballot the fourth time with the following result

C.H. Oats in the Senate-8 in the House-19 total-27

J. R. Berry in the Senate – 3 in the House – 17 total – 20
V. Block in the Senate – 5 in the House – 17 total – 22
John T. Stinman in the Senate – 4 in the House – 16 total – 20

Senators voting for Mr Oates:

Messrs Anthony, Belser, Hallimon, Pollard, Trimble, Van Patten, Wallace and Whitfield – 8.

Those voting for Mr Berry were:

Messrs Bunch, Clark and Dodson – 3.

Those voting for Mr Block were:

Messrs Leech, Smith ~~and~~ Stillwell Williams and Mr President – 5.

Those voting for Mr Stinman were:

Messrs Davis, Cantrell, Hunt and Sherman – 4.

There being no election the convention proceeded to ballot the fifth time with the following result:

O H Oates in the Senate 7 – in the House 21 – total 28.
J R Berry in the Senate 3 – in the House 18 – total 21.
V Block in the Senate 5 – in the House 16 – total 21.
Jno T. Stinman in the Senate 5 – in the House 14 – total 19.

Senators voting for Mr Oates

Messrs Anthony, Belser, Hallimon, Pollard Trimble, Van Patten and Whitfield – 7.

Those voting for Mr Berry were

Messrs Bunch, Clark and Dodson – 3.

Those voting for Mr Block were

Messrs Leech, Smith, Stillwell, Williams and Mr President – 5

Those voting for Mr Stinman were

Messrs Davis, Cantrell, Hunt, Sherman and Wallace – 5.

There being no election the convention proceeded to ballot the sixth time with the following result:

O H Oates in the Senate 9 – in the House 21 – Total 30
J R Berry in the Senate 3 – in the House 18 – Total 21
V Block in the Senate 5 – in the House 15 – Total 20
J. T. Stinman in the Senate 3 – in the House 15 – Total 18

No election.

On motion of Mr Jones of the House the convention adjourned until 9 O'clock tomorrow morning.

Jno T Harrington
President pro tem

Thursday Nov 13th 1862

The convention met

Prayer by Rev D.L.G. McKenzie

Roll of the Senate called

Present – Messrs. – Anthony, Belcher, Bunch, Clark, Davis, Dodson, Embry, Hallibinton, Hunt, Leech, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams, and Mr President – 20

The roll of the House was then called by order of the Speaker when it appeared that a quorum of both Houses was present

Mr Powel of the House withdrew the name of John. I. Sturman

Mr Mallory of the House withdrew the name of Mr Block

The convention then proceeded to ballot the seventh time for Secretary of State with the following result

Hon O.H. Oats in the Senate – 13 in the House – 35 total – 48

J.R. Berry in the Senate – 7 in the House – 34 – total – 41

Those Senators voting for Mr Oats were Messrs – Anthony, Belcher, Embry, Hallibinton, Hunt, Leech, Pollard, Trimble Van Patten, Wallace, Whitfield, Williams, and Mr President – 13

Those voting for Mr Berry were Messrs – Bunch, Clark, Davis, Dodson, Sherman, Smith, & Stillwell, – 7

The President of the Senate then announced that Hon O.H. Oats having received a majority of all the votes given was duly and Constitutionally elected Secretary of State for and during the term prescribed by law

The Senate then returned to their Chamber

Roll called

Present – Messrs Anthony, Belcher, Bunch, Clark, Davis, Dodson, Embry, Hallibinton, Hunt, Leech, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams, and Mr President – 20

Message from the House of Representatives by the Clerk

Mr President

I am instructed to inform your

honorable body that the House have passed House bill No 2 to be entitled "an act to revive swamp land scrip"

Which bill is herewith transmitted for your consideration.

A M Woodruff
Clerk H of Rep

Motions and resolutions were in order

Mr Wallace offered the following resolution

Resolved – That the judiciary committee be instructed to enquire into the propriety of preparing a bill for the relief of Daniel P Goddard administrator of the estate of Thos. J. Watts deceased & that they report by bill or otherwise

Which was on his motion adopted

Mr Bunch was called to the chair

Reports from standing committees were in order

Mr Davis from the committee on Ways and Means reported as follows

Mr President

The committee on Ways and Means, to which was referred House bill No 12 to be entitled "an act to provide for the temporary holding county courts in certain cases & for other purposes" have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage with the following amendment viz after the word Molasses insert the word "Syrup."

HB No 12

Davis Chairman

Which report was read & received and on motion of Mr Davis the amendment adopted

The bill was then read the third time as amended and passed

Mr Hallibarton from the committee on memorials made the following report

Mr President

The committee on memorials to which was referred Senate bill No 14 entitled "an act to authorize Edmund B. Blanks to erect and keep a toll bridge across Bummell creek" have had the same under consideration & have instructed me recommend its passage

SB No 14

Hallibarton Chairman

Which report was read and received

On motion of Mr Stillwell the bill was read the third time and passed

Mr Hallibarton further from the committee on memorials made the following report

Mr President

S.B. No 10½ The committee on memorials to which was referred Senate bill No 10½ to be entitled "an act for the benefit of the widow and children of Minton Utley of Columbia county" have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage

Which report was read and received Mr Hallibarton Chairman

Mr President moved to amend the 2d section by inserting after the word Assessment the words of money & value of property

Which was adopted

On motion of Mr President the bill was read the third time as amended and passed.

Mr Davis from the committee on Ways and Means made the following report.

Mr President

S.B. No 11 The committee on Ways and Means to which was referred Senate bill No 11 to be entitled "an act concerning the issuance of War bonds and treasury warrants" have had the same under consideration and have been instructed to report the same back to the Senate and recommend its passage

Which report was read and received Davis Chairman

On motion of Mr Van Patten the bill was read the third time and passed

Mr President resumed the Chair

The introduction of bills was in order

S.B. No 23 Mr Trimble introduced Senate bill to be entitled "an act concerning the geological and mineralogical specimens and books turned over to St Johns College of this state"

Read the first time

On motion of Mr Trimble the rules were suspended the bill read the second time by title and

On motion of Mr Bunch referred to the committee on education

Three bills were ordered engr

HB No 2 House bill No 2 to be entitled "an act to revive Swamp land sales" was taken up and read the first time

On motion of Mr Van Patten the rules were suspended the bill read a second time and referred to the committee on swamp and overflowed lands

H.B. No 15 House bill No 15 to be entitled an act to provide for the temporary holding of county courts in certain cases and for other purposes" was taken up and read the second time

On motion of Mr Bunch the rules were suspended the bill read the third time and rejected

HB No 16 House bill No 16 to be entitled "an act in relation to the revenue laws of this state" was taken up and read the second time

On motion of Mr Stillwell the bill was postponed until saturday next

Senate bills were ordered up.

Senate bill No 2 to be entitled an act for the relief of certain tax payers in this state was read and

On motion of Mr Stillwell referred to the committee on Judiciary.

Mr Williams, on leave offered the following resolution:

Resolved By the General Assembly of the State of Arkansas That a Special Committee be appointed to inquire into the expediency of memorializing the proper authorities of the Confederate States as to the propriety of employing agents whose duty it shall be to purchase or procure such articles of a substantial character for clothing or the manufacture of the same as may be found in the Eastern portion of the Southern Confederacy. The articles of Jeans, Linsey, Osnaburgs Domestics, Shoes, Leather and Cotton and wool Cards or machinery for the manufacture and production of these articles generally and of having the same transported West of the Mississippi river and deposited at the various Military stores or depots to be exchanged with the citizens of the Trans-Mississippi District at cost and transportation for subsistence and supplies for the army of that district the prices of such subsistence & supplies

to be fixed by the Commander-in-Chief of that district.

Which resolution was read the first time.

On motion of Mr Williams the rules were suspended the resolution read the second time and adopted.

Messrs Williams, Stillwell and Branch were appointed the committee under said resolution on the part of the Senate

Mr Clark from the committee on Judiciary made the following report:

Mr President

The Judiciary committee to which was referred Senate bill No. 5 to be entitled An act to amend Chap 29 of the Digest in relation to change tickets or shinplasters have had the same under consideration and have instructed me to report as substitute therefor the accompanying bill and to recommend its passage

Clark Chairman.

Which report was received and on motion of Mr Clark the substitute adopted in lieu of the original bill

Mr Trimble offered to amend the bill with an additional section:

Sec 11 That no person or persons shall issue any small notes or change tickets, stipulating in the face thereof that the same will be redeemed when a sum greater than five dollars is presented.

Mr Williams moved to amend the amendment by striking out "five" and inserting "twenty"; which was lost — 8 in the affirmative and 11 in the negative.

Said section was then on motion of Mr Trimble adopted and the bill ordered to lay upon the table until Tomorrow.

Messrs from House of Representatives

Mr President

I am instructed to inform your honorable body that the House has passed joint resolution No. 1 viz:

Resolved — That our Senators in Congress be and are hereby instructed and our Representatives requested to exert their influence with the President of the Confederate States and the war department to set aside and annul

all illegal military orders now in existence in the Trans-Mississippi district and keep the military so far as the exigencies of the country will allow, in subordination to the civil authorities

The House has also adopted the following resolution

Resolved - By the House of Representatives of the State of Arkansas (The Senate concurring therein) That we proceed to the election of Auditor and Treasurer for the State on Saturday next at 10 o'clock, A.M.

With which resolutions the concurrence of your honorable body is respectfully asked

G M Woodruff
Clerk H of Reps

Mr Whitfield on leave offered the following resolution

Resolved - (The House concurring) That the General Assembly of the State of Arkansas adjourn sine die on Monday the 1st day of December next

Which was read and took its course

House resolutions were taken up

House resolution instructing our Senators and requesting our Representatives in Congress to use their influence to have annulled all illegal military orders issued in the Trans-Mississippi district was taken up and read as

On motion of Mr Stillwell referred to the committee on Judiciary

House resolution to go into the election of Auditor and Treasurer on Saturday next at 10 O'Clock, A.M was taken up and read as

On motion of Mr Bunch concurred in by the Senate

Mr Bunch on leave offered the following resolution

Resolved - That the Judiciary committee be instructed to take into consideration that part of the constitution in relation to the classification of Senators and report the result of their labors to this body

Which was read & on his motion adopted

On motion of Mr Bunch the Senate adjourned until 9 O'clock to-morrow morning

Jno R Hampton

President pro tem

Friday November 14, 1862.

The Senate met.

Prayer by Rev A. C. Wallace.

Roll called.

Present - Messrs Anthony, Belser, Bunch, Clark, Davis, Dodson, Embry, Hallenstad, Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams & Mr President - 20

The journal of yesterday was read, approved & signed.

Message from the House by the clerk:

Mr President -

I am instructed to inform your honorable body that the House has adopted the following resolution

Whereas, there seems to be doubts in the minds of some as to the legality of the action of the Legislature in regard to the election of Confederate States Senators from the State of Arkansas at the Special Session. Thereof which if well taken tends to jeopardize the seat of our present able and efficient Representative Hon. C. B. Mitchel in that Honorable body, therefore

Resolved (the Senate concurring) That the action of that body in relation to said election be and the same is hereby in all things confirmed.

Which is herewith transmitted and the concurrence of your honorable body respectfully asked

The House have also passed House bill No 37 to be entitled "an act to repeal an act amendatory of the common school laws of the county of Arkansas" and

H.B. 38 House bill No 38 to be entitled "an act to repeal an act entitled an act to compel the residence of some white person on plantations where there are slaves

Which bills are herewith transmitted and the assent of your honorable body respectfully

asked

A. M. Woodruff
Clerk H of Reps

On motion of Mr Grimble the vote rejecting House bill No 15 to be entitled "an act to provide for the temporary holding of county court in certain cases and for other purposes" was reconsidered & the bill laid upon the table for the present

Mr Whitfield offered the following resolution

Resolved - That our senators be instructed and our Representatives requested to use their influence to pass a resolution through the Confederate Congress that in selecting assistants of the Quartermasters' Commissaries and Ordinance Departments of posts of the trans-mississippi District that persons above the age of Forty-five and disabled soldiers capable of performing such duties shall be selected

Which was read and took its course under the rules

Reports from standing committees in order

Mr Clark from the joint select committee ~~on publishing~~ made the following report

Mr President

The joint select committee of the two Houses of the General Assembly to which was referred so much of the Governors Message as relates to the support of families of volunteers have had the same under consideration ask respectfully leg leave to submit the following report

That in response to a letter from your committee to Mr Vaughan secretary of the Military Bureau it appears that there are now in the military service of the Confederate States from this State about forty thousand volunteers

The pay of at least one fourth of these will be insufficient to support their families while they are in the service and unless some adequate relief is provided by the legislature many families ~~are families~~ will certainly suffer for want of the necessaries of life

The support of volunteers families does not address itself alone to the humanity and benevolence of the General Assembly

Women patriotic are became volunteers

may have shown themselves in a cause in which all are equally interested if their families are neglected by those at home the consequences may be fatal to our cause. The committee have therefore prepared and herewith submit a bill to be entitled "an act for the relief of soldiers families" and recommend its passage.

S.B. No 24

Clark Chairman

Which report was read and received and the bill read the first time

On motion of Mr Clark the rules were suspended & the bill read a second time by title

On motion of Mr Baker the Senate resolved itself into committee of the whole to consider said bill — Mr Trimble taking the chair

After some time spent in deliberation the committee were refreshed the following amendments to said bill and asked to be discharged from further consideration of the same.

Strike out of the first section the word destitute and insert needy

Strike out of the second section the word not.

Strike out of the 3d Section the word destitute and insert needy

Strike out the word indigent in the 7th Section and insert needy

Insert after the word commissioner where it first appears in the 7th Section the words who shall be at least Forty-five years of age to be eligible to such appointment

Strike out of section 10 the words "indigent and" before the word "actually".

Strike out of Sections 11, 12 and 17 the word "indigent" wherever it occurs and insert "needy"

Amended by an additional Section:

Sec. Be it further enacted that such Commissioner shall before he enters upon the discharge of the duties of his office make and

file in the office of the Secretary of State an affidavit that he will faithfully and to the best of his ability discharge the duties imposed on him by this act and well and truly pay over all moneys which may come to his hands under the provisions of this act and shall also enter into bond to the state of Arkansas with good and sufficient security to be approved by the Governor in the sum of fifty thousand dollars.

Which report was received.

Mr VanPatten moved to make the bill and amendments the special order for Saturday evening next at 2 o'clock P.M.; which was lost.

On motion of Mr Branch the amendments reported by the Committee of the whole were adopted.

Mr Clark offered to amend the bill by an additional section:

Sec. Be it further enacted that the clerks of the respective counties shall before receiving the fund hereinbefore provided to be transmitted to them by said Commissioner enter into bond to the state of Arkansas in the sum of Ten Thousand Dollars for the faithful disbursement of the same, to be approved by the county court.

Mr Dotson offered to amend the amendment by adding

And in the event of the failure or refusal of any clerk to enter into such bond said Commissioner shall transmit said fund to the Treasurer of the county who shall perform all the duties required of the clerk under this act and enter in the bond required of him before receiving said fund.

Which amendment was adopted and the amendment as amended was then adopted.

Mr Branch moved to amend the 1st sec. by striking out the words "and shall also be reimbursed his actual travelling expenses of any incurred under this act to be approved and in like manner certified by the Governor"; which motion was lost on a division 5 in affirmative and 14 in the negative.

On motion of Mr Stillwell the bill was ordered to be engrossed for the third reading on Tomorrow at 9 o'clock A.M.

The introduction of bills was in order.

Mr. Sherman introduced Senate bill to be entitled an act to amend an act to provide for the issuance of Treasury Warrants of small denominations and for the redemption of Arkansas War bonds; which was read the first time.

No. 25

On motion of Mr. Sherman the rules were suspended the bill read the second time by title, and referred to the committee on Indian affairs.

Mr Whitfield was called to the chair

No. 26

Mr. Van Patten introduced Senate bill to be entitled an act for the relief of the families of soldiers and for other purposes; which was read the first time

On motion of Mr Van Patten the rules were suspended the bill read the second time by title referred to the committee on ways & means.

Message from the House of Representatives by the clerk

Mr President

H.B. No 24

I am instructed to inform your honorable body that the House have passed House bill No 24 to be entitled "an act to amend an act entitled an act to aid the Arkansas institute for the blind which was incorporated on the 2nd day of February 1859 approved January 19th 1861 which is herewith transmitted for the assent of your honorable body which is respectfully asked

Also House joint resolution in relation to payment to citizens of Arkansas for cotton destroyed by order of Military Generals

also House joint resolution in relation to the erection of cotton and woolen Factories in the trans-Mississippi district

Which are herewith transmitted ~~and~~ for the concurrence of your honorable body which is respectfully asked

H.B. No 40

The House has also passed House bill No 40 to be entitled "an act to establish the county of Craig which is herewith transmitted for your consideration

G.M. Woodruff Clerk H of Rep

On motion of Mr Williams House joint resolution comprising the election of Confederate States Senators at the special session of the General assembly was taken up read and on motion of Mr Trimble concurred in by the Senate

H.B. No 40 On motion of Mr Van Patten House bill No 40 to be intitled "an act to establish the county of Crop was taken up and read the first time

On motion of Mr Van Patten the rules were twice suspended the bill read the second and third times by title and passed

On motion of Mr Pollard the Senate adjourned until to-morrow morning 9 o'clock

Jno R Hampton

President pro tem

Saturday Nov 15 1862

The Senate met

Prayer by the Revd Hiram Leech

Roll called

Present Messrs. Anthony, Belser, Bunch, Clark, Davis, Dodson, Emby, Hallibuston Hunt, Leech, Pollard Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams and Mr President — 20

The journal of yesterday was read approved and signed

Special order engrossed Senate bill No 24 to be intitled "an act for the relief of ~~soldiers~~ destitute families of soldiers in this state" was taken up, & read the third time

Mr Wallace moved to recommit the bill to the joint select committee from which it was reported; which motion was lost

The question was then put upon the passage of the bill

Mr Trimble called for the yeas & nays which call was sustained, and ordered with the following result

Yeas — Messrs. Anthony, Belser, Bunch, Clark, Davis Dodson, Emby, Hallibuston, Hunt, Leech, Pollard, Sherman, Smith Stillwell, Trimble, Van Patten, Wallace, Whitfield

Williams and Mr President – 20

Nays – None

So the bill passed and the following title was on motion of Mr Beach adopted

An act for the relief of needy families of soldiers in this state

Reports from standing committees were in order

Mr Whitfield called to the chair

Mr Clark from the judiciary committee made the following report

Mr President –

S.B. No 22 The judiciary committee to which was referred Senate bill No 22 to be entitled "an act to amend Chapter 40 of the Digest under the head of courts" have instructed me to report the same back to the Senate and recommend its passage

Clark Chairman

which was read and received

On motion of Mr Clark the bill was read the third time and passed

Message from the House of Representatives by the Clerk

Mr President

I am instructed to inform your

H.B. 31 honorable body that the House have passed House bill No 31 to be entitled "an act to prohibit the issuance of Treasury warrants & War bonds bearing interest

H.B 41 Also House bill No 41 to be entitled "an act for the relief of Lunar L. Martin & others"

Also House joint resolution requiring the Treasurer to redeem detached coupons of War bonds

All of which are herewith transmitted for the assent of your honorable body which is respectfully asked

A M Woodruff

Clerk H of Rep.

Mr Clark from the committee on judiciary made the following report

Mr President

The judiciary committee to which was referred Senate bill No 17 to be entitled "an act to regulate proceedings under Chapter 130 of the Digest" have instructed me to report the same back to the Senate and recommend its passage

Clark Chairman

Which report was read and received

On motion of Mr Clark the bill was read the third time and passed

Mr Clark further from the judiciary committee made the following report

Mr President

No 27 The judiciary committee to which was referred a resolution to prepare a bill for the relief of Daniel P. Godbold. have instructed me to report the accompanying bill and recommend its passage

Clark Chairman

Which report was read and received and the accompanying bill read the first time

On motion of Mr Dodson the rules were suspended and the bill read the second time by title

On motion of Mr Williams the rules were further suspended the bill read the third time and passed with the following title — "an act for the benefit of the widow and minor heirs of Thomas J. Watts late of Columbia county"

Mr Hunt from the committee on education made the following report

Mr President

The committee on education to which was referred Senate bill No 23 to be entitled "an act concerning Geological and Mineralogical specimens and books turned over to St Johns College by the state" have had the same under consideration & have instructed me to report against the passage of said bill for the following reason — the books and specimens can only be destroyed when they are if found by the enemy in possession of the state their destruction or loss becomes almost a certainty — but while the said books and specimens are under charge of the masonic fraternity — in St Johns College even Gunter Vandalism may be prompted to spare them.

Hunt, Chairman

Which report was read and adopted and the bill thereby rejected

Mr Bunch from a joint select committee made the following report

Mr President

The joint committee of the two Houses of the General Assembly appointed to wait on

Hon Harris Flanagin the Governor elect and inform him of his election - have discharged that duty and I am instructed to report to the Senate that he will be ready to take the oath of office this day at 3 O'Clock P.M

The committee would also submit the following programme for the installation

The Senate and House of Representatives will convene in the Representative Hall at 2½ O'Clock P.M. the joint committee will then proceed to the Anthony House and escort the acting Governor and the Governor elect to the Hall when the following exercises will be observed by

Music
Prayer
Music
Inauguration
Music
Benediction

Burch Chairman

Which was read and
On motion of Mr Hallibuton adopted
Message from the House of Representatives by the Clerk
Mr President

I am instructed to inform your honorable body that the House is now ready to receive the Senate for the purpose of going into the election of Auditor and treasurer for the State

A. M. Woodruff
Clerk Hof Reps

Mr Leach asked and obtained leave of absence until Monday Morning

On motion of Mr Trimble the Senate repaired to the Hall of the House of Representatives & being seated therein the roll was called by order of the President when the following Senators answered to their names

Messrs- Anthony, Belser, Burch, Clark, Davis Dodson, Embry, Hallibuton, Hunt, Pollard, Sherman Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield

Williams and the President—19

The roll of the House was then called by order of the Speaker and it appearing that a quorum of both Houses was present the President announced that nominations for Auditor were in order

Mr Branch of the Senate nominated Wm R. Miller.

Mr Embry of the Senate nominated A. M. Woodruff

No other nominations being made the rolls were called with the following result

Wm R. Miller—in the Senate—16 in the House—44 total—60
A M Woodruff—in the Senate—3 in the House—22 total—25

Those Senators voting for Mr Miller were:

Messrs—Anthony, Belser, Branch, Clark, Davis, Dodson, Halliburton, Hunt, Pollard, Sherman, Smith Trimble, Van Patten, Whitfield, Williams, and the President—16

Those voting for Mr Woodruff were

Messrs—Embry, Stillwell and Wallace—3

Whereupon the President of the Senate announced that Wm R. Miller having received a majority of all the votes given was duly and constitutionally elected Auditor of the State of Arkansas for and during the time prescribed by law

The President then announced that nominations for Treasurer were in order

Mr Collins of the House of Representatives nominated L. B. Cunningham

Mr Tucker of the House nominated S. A. Martin

No other nominations being made the rolls were called with the following result

L. B. Cunningham—in the Senate—4—in the House—46 total—50
S. A. Martin. in the Senate—14 in the House—22 total—36

Those Senators voting for Mr Cunningham were

Messrs. Branch, Davis, Dodson, and Smith—4

Those voting for Mr Martin were

Messrs—Anthony, Belser, Clark, Embry, Halliburton Hunt, Pollard, Sherman, Trimble, Van Patten, Wallace, Whitfield, Williams, & the President—14

Mr Stillwell voted for John. H. Crease

Whereupon the President announced that L. B. Cunningham having received a majority of all the votes given was duly and

constitutionally elected Treasurer of the State Arkansas for and during the term prescribed by law.

The Senate returned to their chamber

The introduction of bills was in order.

S No 28 Mr Stillwell introduced Senate bill No 28 to be entitled An Act to repeal Sections one, five, six, seven, eight and nine of Chapter 106 of the Digest of the State of Arkansas; which was read the first time

On motion of Mr Stillwell the rules were suspended the bill read the second time, by title, and re-ferred to the Judiciary committee.

Message from the House of Representatives by the clerk

Mr President

I am instructed to inform your honorable body that the House has adopted the following resolution

Resolved – That the Senate be invited to meet this House in convention this evening at 2 o'clock for the purpose of inaugurating the Governor

With which the concurrence of your honorable body is respectfully asked

C. M. Woodruff

Clerk H of Reps

On motion of Mr Bunch the resolution inviting the Senate to meet the House at 2 o'clock this evening for the purpose of inaugurating the Governor was taken up read & concurred in by the Senate

House bills were received up

HB No 16 House bill No 16 ~~was taken up~~ to be entitled "an act in relation to the revenue laws of this state was pursuant to order taken up ~~and~~ read and postponed for the present

S B No 5 Senate bill No 5 to be entitled "an act to amend chapter 29 of the Digest in relation to change tickets was pursuant to previous order taken up and read. Mr Bunch was called to the chair

Mr Belser offered the following amendment

Strike out Section 11 and insert the following

Sec 11 Be it further enacted that nothing in

this act shall compel any person or company of persons issuing such small notes or change tickets to redeem the same when presented therefor in sums less than twenty dollars Provided - that nothing herein contained shall be so construed as to exonerate the person or company of persons issuing such small notes or change tickets from redeeming the same when presented therefor in sums of one dollar and greater after the expiration of two years from the establishment of peace between the United States and the Confederate States of America

Mr Pollard moved to amend the amendment by striking out the word two before years & inserting one. which was accepted by Mr Belcher

The amendment as amended was then adopted on a division — affirmative 13 negative 5

On motion of Mr Clark the bill as amended was read the third time

Mr Trimble moved to recommit the bill to the committee on judiciary.

which motion was lost

The question was then stated upon the passage of the bill on which Mr Trimble called for the yeas & nays —

Sustained and ordered

Yeas — Messrs, Belcher, Clark, Davis, Dodson Embry, Hallibarton, Hunt, Pollard, Shannon, Smith, Stillwell, Van Patten, Wallace, Whitfield, Williams, and Mr President — 16

Nays Messrs, Anthony, Bunch and Trimble — 3

So the bill passed

House bills were received

H.B. No 24 House bill No 24 to be entitled "an act to amend an act entitled an act to aid the Kentucky institute for the blind which was incorporated on the 4th day of February AD 1857 approved January 19th 1856" was taken up and read the first time.

On motion of Mr Smith the rules were suspended the bill read the second time and referred to the committee on education.

H.B. No 31 House bill No 31 to be entitled an act to prohibit the issuing of Treasury warrants in

war-bonds bearing interest" was taken up and read the first time

On motion of Mr Van Patten said bill was indefinately postponed for the reason that a similar bill had been passed

H.B. No 37 House bill No 37 to be entitled "an act to repeal an act amendatory of the common school laws of the county of Arkansas" was taken up and read the first time

On motion of Mr Stillwell the rules were twice suspended the bill read the second and third times and passed

H.B. No 38 House bill No 38 to be entitled "an act to repeal an act entitled an act to compel the residence of some white person on plantations where there are slaves" was taken up and read the first time

On motion of Mr Embry the rules were suspended & the bill read the second time by title and on motion of Mr President referred to the committee on judiciary

H.B. No 41 House bill No 41 to be entitled "an act for the relief of James L. Morton of Crawford Peter B. Allen of Polk and Willis Lowes of Pike county" was taken up and read the first time

On motion of Mr Smith the rules were suspended the bill read the second time by title and referred to the committee on claims

House joint resolution requiring State Treasurer to redeem detached coupons was read the first time

On motion of Mr Trimble the rules were suspended the resolution read the second time and referred to the committee on Ways and Means

House joint resolution in regard to payment to citizens of Arkansas for cotton destroyed by order of Military Generals was taken up and read the first time

On motion of Mr Trimble the rules were suspended the resolution read the second time and referred to the committee on judiciary

House Joint resolution relative to the establishment of a manufactory of clothing for soldiers in the Trans-Mississippi District was read the first time.

On motion of Mr Williams the rules were suspended the resolution read the second time and referred to the committee on Ways & Means

Senate resolutions were ordered up.

Senate Joint Resolution proposing an adjournment sine die on Monday the 1st day of December next was read the second time and on motion of Mr Van Patten postponed for the present.

Senate Joint Resolution recommending Congress to require by resolution that all assistants of Quartermasters, Commissaries and Ordnance officers in the Trans-Mississippi District shall be over the age of 45 years or disabled soldiers, was read the second time and on motion of Mr Trimble referred to the committee on the Judiciary.

Mr Hallenbeck, on leave, offered the following resolution:

Resolved, That a joint committee of both Houses of the General Assembly be appointed to inquire into the propriety of making appropriations to aid in the manufactory of silk, cotton cards and Iron.

Read and on motion of Mr Trimble adopted.

Messrs Hallenbeck, Trimble and Embry were appointed such committee on part of the Senate.

On motion of Mr Belser the Senate took a recess until 2 o'clock P.M.

At 2 o'clock P.M. the Senate met.

Message from the House of Representatives by the clerk:

Mr President

I am instructed to inform your honorable body that the House is now ready for the reception of the Senate for the purpose of installing the Hon. Harris Flanagin, Governor elect.

A. M. Hurdsuff clerk

On motion of Mr Belser the Senate repaired to the hall of the House of Representatives and were seated therein.

The committee appointed to report respec-

the Governor elect, Hon Harris Flanagin, then appeared in company with him within the bar of the House.

A prayer was then offered up by the Rev D. L. G. McKenzie, Chaplain of the House, and the oath of office was then administered to the Hon. Harris Flanagin, Governor elect, by Chief Justice E. H. English.

Gov. Flanagin was then conducted to the speaker's stand and delivered the following.

Inaugural Address.

Gentlemen of the Senate
and House of Representatives -

Permit me to acknowledge to the people of Arkansas my obligations for the honor conferred by an election to the Chief Magistracy of the state - a position at all times honorable and distinguished but rendered still more so by the importance of the trust in the midst of the fearful struggle in which we are now engaged.

Most sincerely do I doubt my ability to perform the duties in such a manner as will meet my own full approval in after time. I can only promise a faithful performance of the duties of my office with such ability as I possess.

After this state severed her connection with the Federal Union I determined that my undivided exertions should be devoted in order to secure our National Independence and that no private interest or advantage should intrude with my purpose in this respect. As the Executive of this state, while I will use every exertion to protect the state and her citizens I am fully persuaded that I shall best do so by promoting the great cause of Southern Independence.

Many of us at the election of President Lincoln were of opinion that the South could not expect her constitutional rights under an Administration which had been elevated solely for the reason that it was composed of the avowed enemies upon institutions. Observation

since that time has proven our fears well founded. There are few rights secured by the Constitution of the United States which have not been violated.

That instrument secures the right of free speech — Thousands are and have been imprisoned because they opposed a cruel unjust and odious war upon the people of the Southern states.

The Constitution of the United States secures the Liberty of the Press — hundreds have been imprisoned and their papers suspended for the reason that they were opposed to an administration elected by a minority of the people.

That Constitution secures the rights of property — hundreds of men have been fined by Military officers in sums of one hundred to two thousand dollars for no act done or word spoken but necessarily were suspected of sympathizing with an oppressed people.

That Constitution secures the personal liberty of the citizen — Many thousands are now imprisoned without authority of law because they are suspected or grumbling charged with want of sympathy for our oppressors.

A Republican Government is secured by that instrument — where the Journals are in power a man who is not supposed to favor the National Administration is not permitted to be a candidate for office and if he persists he is sent to prison. and the result is that in necessary places not one third of the votes are cast.

It is unnecessary to multiply instances. It is enough that the Chief Magistrate of that people has assumed the prerogative of a Constitution he was sworn to support, under the plea of necessity.

Notwithstanding this open disregard of rights which all have be retofore enjoyed as sacred there seems to be no remedy, none is even proposed; and it may be fairly stated, that, he who offers a citizen to that country will enjoy the rights secured

by the permission of the Federal authority.

Our separation from the Federal Union was not a moment too soon; and if re-publican government and constitutional rights are to have existence hereafter it must be in the Southern Confederacy.

History does not mention a country producing tropical productions where slavery did not exist, which was a fit residence for civilized, enlightened people. Rome, Greece and Egypt among the ancients, and Jamaica, Hayti among the moderns show that however great and happy a country may be with it, it will become degraded and contemptible without it.

The war that has been waged upon us, has been most relentless and bitter. It has been conducted on a scale of fearful proportions; and while some of our enemies have professed to fight for a union which to us had become hateful a majority only desired an excuse to destroy us. Many of the rules of civilized warfare have been spurned disregarded; other rules have been observed only when a fearful retaliation was threatened.

Our new Government has already become endeared to many of us by the toils of the living and the suffering of the dead.

While we fight to maintain Republican institutions, constitutional rights and the institution of slavery, we would disgrace ourselves and posterity by delay or insufficiency in a cause where so many have fallen.

I repeat, then, that as Executive of the State I shall use all proper exertion to maintain our common cause and our common country. And rather than to fail in my duty in this respect it would prefer being a traitor in the Confederate Army than traitor of this sovereign State.

Having had no opportunity to acquaint myself with our legislative history for the last eighteen months I shall await further investigation before recommending any particular legislation.

In general terms, however, I will call your attention to the families of indigent volunteers. Let me assure you that no feeling officer can hear with indifference the declaration of a good soldier, that so far as he knows or believes, his wife and children have not the necessaries of life. The soldier, out of his pay, is often compelled to provide necessaries for himself, and owing to the high prices of provisions, his whole pay is not enough to support even a moderate family. If the battles of this war are fought by the men of the land, it is not right that the wealth should bear the pecuniary burden. Let me earnestly ask such legislation as shall reach the evil.

In conclusion – I have been elected by the people of the state, and not by a party, clique or faction; and so far as in me lies, I am determined to be the Governor of the people, and not the Governor of any party, clique or faction. Indeed, I think that any man who has a party, at this time, other than the country, loves the South less than he ought.

May my official act be such as will be beneficial to the state and honorable to myself.

Harris Flanagin

Little Rock November 18th 1862

The inauguration of the Governor elect, having been completed, Mr President announced that the object of the convention was accomplished and the Senate returned to the chamber.

Hon Thomas Fletcher, President of the Senate and acting Governor prior to the inauguration of Gov: Flanagin, having appeared within the bar of the Senate, Mr Hampton, President pro tem. announced the same and vacated the chair which was resumed by Mr President Fletcher.

On motion of Mr Hampton the Senate adjourned until 9 o'clock Monday morning.

Jno R Hampton,

President pro tem.

Monday Nov 17 1862

The Senate met

Prayer by the Revd Samuel Hallibuston

Roll called

Present— Messrs Anthony, Bebee, Bunch, Clark, Davis, Godron, Embry, Hallibuston, Hampton Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams, and Mr President— 21

The journal of ~~yesterday~~ Saturday was read approved and signed

Motions and resolutions were in order

Mr Whitfield offered the following resolution

~~Whereas~~ the 113th chapter of the Revised Statutes of the state of Ohio exempts from military duty certain persons that by the conscript laws of the Confederate States are not exempt. Therefore-

Resolved— That the committee on judiciary be instructed to examine into those exemptions and report by bill or otherwise

Which resolution was on his motion adopted

The introduction of bills was in order

No 29 Mr Dodson introduced Senate bill to be entitled "an act for the relief of A S Lockett"

Read the first time

On motion of Mr Dodson the rules were suspended the bill read the second time by title and referred to the committee on Claims

No 30 Mr Wallace introduced Senate bill to be entitled "an act in relation to county clerks"

Read the first time and

On motion of Mr Wallace the rules were suspended the bill read the second time and on motion of Mr Trimble referred to the committee on judiciary

Mr Trimble was called to the chair

H.B. No 15 House bills ordered up

House bill No 15 to be entitled "an act to provide for the temporary holding of County courts in certain cases and for other purposes" was taken up read the third time and

On motion of Mr President passed

Senate bills were ordered up

Senate resolution to adjourn sine die on Monday the 1st day of December next was taken up ~~read~~ read the third time and adopted

Mr Belser on leave offered the following joint resolution

Be it Resolved by the General Assembly of the state of Arkansas — That the Secretary of state be and he is hereby required to furnish copies of all laws passed at this session of the General Assembly so soon as the same are filed in his office to the Editors of the three newspapers now published in this place for publication, and that such publication when made shall be deemed and taken as a sufficient authentication of said laws until such time as paper can be procured for their publication in pamphlet form & that the Secretary of state be and he is hereby required to forward to the clerks of the several counties of the state one issue of each paper publishing the same as herein provided for, which papers shall be by the several clerks aforesaid, filed in their respective offices

Which was read the first time

On motion of Mr Belser the rules were then suspended the resolution read the second and third times and adopted

Message from the House of Representatives by the clerk

Mr President

I am instructed to inform your honorable body that the House have passed House bill No 23 to be intitled "an act to prevent the issuing of executions" which is herewith transmitted for the action of your honorable body which is respectfully asked and a request that your honorable body give it your earliest attention

Also House bill No 20 to be entitled "an act to prevent setting prairies on fire", which is herewith transmitted for the action of your honorable body, which is respectfully asked

A M Woodruff
Clerk H of Rep

No 20 House bill No 20 to be entitled "an act

to prevent setting prairies on fire" was taken up and
Read the first time
On motion of Mr Sherman the rules were suspended & the bill read the second time by title and
On motion of Mr President ~~the bill was~~ referred to the committee on Agriculture

H.B. No 23 House bill No 23 to be entitled "an act to prevent the issuing of executions" was taken up and
Read the first time
On motion of Mr Sherman the rules were suspended the bill read a second time by title and referred to the committee on judiciary
On motion of Mr Lech the Senate took a recess of 20 minutes
At the expiration of 20 minutes the senate met
Mr President resumed the chair
On motion of Mr Clark the vote rejecting House bill No 31 to be entitled an act to prohibit the issuing of treasury warrants as war bonds bearing interest was reconsidered and the secretary ordered to request the return of the bill from the House of Representatives
On motion of Mr Van Patten the Senate took a recess until 2 O'clock P.M.

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2 O'Clock P.M.
The Senate met
Roll called
Present – Messrs – Anthony, Belzer, Bunch, Clark, Davis, Dodson, Emly, Hallibaugh, Hampton, Hunt, Lech, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams & Mr President – 20

No 31 Mr Van Patten on leave introduced senate bill to be entitled "an act supplementary to an act passed at the present session of the General Assembly entitled an act to establish the county of Crosp
Read the first time
On motion of Mr Van Patten the rules were twice suspended the bill read the second and third times by title & passed
Mr Clark on leave offered the

following joint resolution

Whereas— There is and has been for many years a law in this state punishing with death any person who shall be guilty of inciting any slave to insurrection or rebellion or who shall arm any slave with a deadly weapon to be used against his master. And Whereas— there is also a law punishing by imprisonment in the penitentiary any person who shall be guilty of stealing any slave from his master or owner.

And Whereas the Federal soldiers in this state are now engaged in violation of our constitutional rights which they profess to be engaged in restoring and in open violation of our laws stealing slaves and procure to arm them against their masters

Therefore. Resolved— That the Governor be and he is hereby authorized and required to take such steps as in his judgement seems best to have prosecuted and convicted by the civil authorities any Federal officer or soldier who may fall into our hands and who shall have been guilty of either stealing inciting to insurrection or arming any slave against his master

Clark Chairman

Which was read the first time and took its course under the rules

No 32 Mr Smith introduced Senate bill to be entitled "an act to change the 4th 5th & 9th judicial circuits of this state

Read the first time

On motion of Mr Clark the rules were suspended the bill read the second time and referred to the committee on judiciary

On motion of Mr Embry the Senate adjourned until 9 O'clock to-morrow morning

Thos J. Letcher
President

Tuesday Nov 18th 1862

The Senate met

Prayer by Revd Heinis Leach

Roll called

Present — Messrs — Anthony, Baker, Beach, Clark, Davis, Dodson, Embry, Halliburton, Hampton, Hunt, Leach, Pollard, Sherman, Smith, Stidwell, Trimble, Van Patten, Wallace, Whitfield, Williams and Mr President — 21

The journal of yesterday was read approved and signed

Message from the House of Representatives by the clerk

Mr President

I am instructed to return to your honorable body House bill No 31 to be entitled "an act to prohibit the issuing of treasury warrants or war bonds bearing interest" for further consideration.

A. M. Woodruff
Clerk H of Reps

Motions and resolutions were in order

Mr Hunt from the committee on education presented the second biennial report of the trustees and superintendent of the Arkansas Institute for the education of the blind located at Arkadelphia Clark county Arkansas and moved that three hundred copies be printed for general distribution; which motion prevailed

Reports from standing committees were in order

Mr Hampton from the committee on Ways and Means made the following report

Mr President

The committee on Ways and Means to which was referred House joint resolution in regard to erecting a clothing establishment west of the Mississippi river have instructed me to report the same back ~~to~~ recommend the concurrence of the Senate in ... said resolution

Hampton Chairman

Which report was read and received and the resolution read the third time concurred

in by the Senate

Mr Hampton further from the committee on ways and means made the following report

Mr President

The committee on ways and means to which was referred House joint resolution requiring the Treasurer to redeem all detached coupons taken off genuine Warbonds have instructed me to report the same back and recommend the concurrence of the Senate in said resolution

Hampton Chairman

Which report was read and received and the resolution read the third time and concurred in by the senate

Mr Wallace from the committee on swamp and overflowed lands made the following report

Mr President

H B No 14 The committee on swamp and overflowed lands to which was referred House bill No 14 to be entitled "an act to amend an act to prohibit the further sale of public lands of this state and for other purposes" approved March 21st 1862 have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage

Wallace Chairman

Said report was received and the bill read the third time and passed

Message from the House of Representatives by the Clerk

Mr President

I am instructed to inform your honorable body that the House has concurred in Senate joint resolution – That the General Assembly of this State adjourn sine die on Monday the 1st day of December next.

H. B No 42 The House has also passed the following bills to wit

House bill No 42 to be entitled an act to suspend the several land offices of this State

H B No 45 House bill No 45 to be entitled "an act amendatory of an act incorporating the Wallace institute of Crawford county.

H B No 49 House bill No 49 to be entitled "an act to change the names of certain persons"

H.B. No 51 House bill No 51 to be entitled "an act to relieve certain payers in Chicot & Desha Counties"

H.B. No 52 House bill No 52 to be entitled "an act to repeal the act creating the office of assessor for the county of Madison

H.B. No 53 House bill No 53 to be entitled "an act to amend so far as relates to Chicot county an act to authorize the county courts of Jefferson, Sebastian Chicot, Hempstead and Randolph counties to levy a road tax."

H B No 57 House Bill No 57 to be entitled "an act concerning common schools in Prairie County

H B No 58 House Bill No 58 to be entitled "an act making the treasurer of Arkansas county Internal improvement commissioner

H.B. No 59 House Bill No 59 to be entitled "an act to amend the law concerning administrators executors and guardians

H B No 60 House Bill No 60 to be entitled an act to adopt Oliver W. Irons & Peter Irons, the legal heirs of John M Linsey of Montgomery county.

Which are herewith transmitted for the assent of your honorable body which is respectfully asked

S.B. No 20 The House has also assented to Senate Bill No 20 entitled an act for the relief of Moses F. Hardin school commissioner of Lawrence County; which is herewith returned.

A M Woodruff, Clerk H. of Rep

Mr Wallace from the committee on Swamp & overflowed lands made the following report

Mr President

H.B. No 2 The committee on swamp and overflowed lands to which was referred House Bill No 2 to be entitled "an act to revive swamp land scrip" have had the same under consideration and I am instructed to report the same back to the Senate and recommend its passage

Wallace Chairman

Said report was received on the bill read the third time and passed

Mr Wallace further from the committee on swamp and overflowed lands made the following report

Mr President

H B No 3

The committee on swamp and overflowed lands to which was referred House Bill No 3 to be entitled "an act to protect the ~~rights~~ interest and ~~interests~~ rights of persons holding certificates of preemption to any of the swamp and overflowed lands of this state have had the same under consideration and I am instructed to report the same back to the Senate and recommend its passage

Wallace Chairman.

which report was received and the bill read the third time and passed

Mr Wallace further from said committee made the following report

Mr President

The committee on swamp and overflowed lands to which was referred a resolution to enquire into the expediency of exposing to sale the public lands have had the same under consideration and I am instructed to report that in the opinion of the committee no further or other legislation on such subject is expedient at the present time and respectfully ask to be discharged from

Wallace Chairman

which report was read an adopted and the committee thereby discharged from its further consideration

Mr Wallace further from the committee on swamp and overflowed lands made the following reports

Mr President

The committee on swamp and overflowed lands to which was referred a resolution to enquire what laws if any are necessary to be passed in relation to the general land offices have had the same under consideration and I am instructed to report that in the opinion of the committee no further or other legislation on that subject is deemed necessary at

the present time and ask to be discharged
Wallace Chairman
Which report was read and received
Mr Clark from the committee on judiciary made the following report
Mr President

HB No 23 The judiciary committee to which was referred House Bill No 23 to be entitled "an act to prevent the issuance of executions have had the same under consideration and have instructed me to report said bill back to the senate and recommend its passage with the following amendment
Clark Chairman
Amend by striking out the second section and inserting the following viz
That all suits in law or equity now pending or hereafter to be commenced in any of the courts of this state shall be continued until twelve months after the ratification of peace between the United States and the Confederate States upon the motion of the defendant his agent or attorney without affidavit or cause shown.
Which report was received and on motion of Mr Clark the amendment adopted.
The bill was then read the third time as amended and passed
Mr Clark further from said committee made the following report=
Mr President

SB No 25 The Judiciary committee to which was referred Senate bill No. 25 to be entitled "An act to provide for the issuance of treasury warrants of small denominations and for the redemption of Arkansas war bonds have had the same under consideration and have instructed me to recommend its rejection
Clark Chairman
Report received and the bill took its course under the rules
Mr Clark further from said committee made the following report
Mr President

HB No 38 The judiciary committee to which was

referred House bill No 38 to be entitled "an act to repeal an act entitled an act to compel the residence of some white person on plantations where there are slaves" have had the same under consideration and have instructed me to recommend its rejection.

Clark chairman

Which report was read & adopted & the bill thereby rejected

Mr. Clark further from said committee made the following report

Mr President

SB No 30 — The judiciary committee to which was referred Senate Bill No 30 to be entitled "an act in relation to county clerks" have had the same under consideration and have instructed me to recommend its rejection.

Clark chairman

Said report was read and adopted and the bill thereby rejected

Mr Anthony from the committee on agriculture made the following report

Mr. President

HB No 20 — The committee on agriculture to which was referred House Bill No 20 to be entitled an act to prohibit setting prairies on fire" have had the same under consideration & have instructed me to report the same back to the Senate and recommend its passage

Anthony chairman

Which report was read and received

Mr Baker moved to amend the 1st Section by striking out the words "adjacent to any prairie where the fire will communicate to any prairie" which amendment was adopted and the bill read the third time as amended and passed

Mr Hunt from the committee on education made the following report

Mr President

HB No 24 — The committee on education to which was referred House Bill No 24 to be entitled "an act to amend an act entitled an act to aid the Lebanon institute for the blind

which was incorporated on the 4th day of February 1859 approved January 15th 1861" have had the same under consideration and a majority of said committee have instructed me to report the same back to the Senate and recommend its passage

Hunt chairman

Which report was read and received

Mr Clark offered the following amendment as an additional section to the bill

That John Carnall, Asa Clark, Samuel L Griffith and Reed Sample be and they are hereby constituted Trustees for the Arkansas Institute for the education of the deaf and dumb located at Fort Smith and said trustees shall elect one of their number Treasurer for said institution who shall give bond to the state in the sum of ten thousand dollars for the faithful discharge of his duties said Trustees shall have full and complete control of said school

Which amendment was read and adopted and the bill read the third time as amended and passed

S.B. No 33 ... The introduction of bills was in order

Mr Hampton introduced Senate Bill to be entitled an act in relation to the Dower of widows

Read the first time

On motion of Mr Hampton the rules were suspended the bill read a second time by title and referred to the committee on judiciary

No 34 Mr Belser introduced Senate Bill to be entitled. "an act to fund Arkansas ~~[illegible]~~ Treasury warrants and to authorize a general banking system"

Read the first time

On motion of Mr Belser the rules were suspended the bill read the second time by title and on motion of Mr Stillwell referred to the committee on Banks.

On motion of Mr Trimble one hundred copies of the bill were ordered to be printed for the use of the Senate.

No. 32 On motion of Mr VanPatten House bill No 31 entitled an act to prohibit the issuance of

treasury warrants or war bonds bearing interest, the rejection of which was reconsidered, was taken up and read the second time.

On motion of Mr Van Patten the rules were suspended the bill read the third time and passed.

House bills were ordered up.

H B No 42 House bill No. 42 to be entitled An act to suspend the several land offices of this state was read the first time

On motion of Mr Doolittle the rules were suspended the bill read the second time by title and referred to the committee on Judiciary.

H B No 49 H Bill No. 49 an act to change the names of certain persons was read the first time.

On motion of Mr Hallidayton the rules were suspended the bill read the second time by title and

On motion of Mr Sullivan the third time and passed.

H B No 51 H Bill No. 51 an act to relieve Tax payers in Chicot and Dishon counties was read the first time

On motion of Mr Belser the rules were twice suspended the bill read the second and third times and passed

H B No 52 H Bill No 52 an act to repeal the act creating the office of assessor for the county of Madison was read the first time

On motion of Mr Bunchette rules were twice suspended the bill read the second and third times and passed

H B No 53 H Bill No 53 an act to amend so far as relates to Chicot county an act to authorize the county courts of Jefferson Sebastian Chicot Hempstead & Randolph counties to levy a road tax approved January 15th 1857 was read the first time

On motion of Mr Belser the rules were twice suspended the bill read the second and third times & passed

H B No 54 H Bill No 54 an act concerning common schools in Prairie county was read the first time

On motion of Mr Stillwell the rules were twice suspended the bill read the 2d and 3rd times and passed.

Mr Conley was called to the chair.

H B No 58 House bill No 58 an act making the Co. Treasurer of Arkansas county Internal Improvement Commissioner was read the first time

On motion of Mr President the rules were twice suspended the bill read the second and third times and passed.

H B No 59 House bill No 59 an act to amend the law concerning Executors administrators and guardians was read the first time

On motion of Mr President the rules were suspended the bill read the second time by title and referred to Judiciary Committee

H B No 60 House bill No 60 an act to adopt Oliver Williams and Peter Lyons the legal heirs of Jno McLinsay of Montgomery County was read the first time

On motion of Mr Stillwell rules suspended bill read the 2nd time by title an

On motion of Mr Van Patten the 3d time when Mr Belser called for the yeas & nays on its passage — sustained and ordered

Yeas Messrs — Davis Halliburton, Hunt, Pollard, Sherman, Smith, Stillwell, Trimble Van Patten, Wallace, & Mr President — 11

Nays Messrs, Anthony, Belser, Burch, Clark, Dodson, Embry, Hampton, Luck Whitfield and Williams — 10

So the bill passed

H B No 48 House Bill No 48 to be entitled an act amendatory of the act incorporating the wallace institute of Crawford county was read the first time

On motion of Mr Dodson the rules were suspended the bill read the 2nd time and

On motion of Mr Trimble referred to the committee on ~~judiciary~~ education

Senate bills ordered up

Senate joint resolution concerning the prosecution of Federal officers on soldiers

for stealing or carrying slaves &c inserting them to insurrection was read the second time and

On motion of Mr Van Patten made the special order for Saturday next at 10 o'clock A M

Message from the House of Representatives by their Clerk

Mr President

I am instructed to inform your honorable body that the House has adopted a joint resolution concerning a mail route from Camden by Gaines Landing to Bolivar Mississippi & the mail route from Rodney in which the concurrence of your honorable body is respectfully asked

A N Woodruff
Clerk H. of Reps

On motion of Mr Whitfield the resolution just received from the House was taken up and read the first ~~time~~ and second times and on motion of Mr Hampton concurred in by the Senate

On motion of Mr Baker the Senate adjourned until 9 o'clock to-morrow morning

Thos. J. Letcher
President

Wednesday November 19 1862

The Senate met.
Prayer by Rev S. C. Wallace
Roll called.

Present — Messrs Anthony, Baker, Bench, Clark, Davis, Dodson, Embry, Hallenbeck, Hampton, Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams & Mr President — 21.

Journal of yesterday read, approved & signed.

Message from the House by the clerk =

Mr President —

I am instructed to inform your honorable body that the House has passed the following bills:

House bill No. 36 entitled an act further to

HB 36 86

extend the provisions of an act entitled an act concerning the cultivation of cotton, approved March 21 1862

H B No 56 House bill No 56 entitled an act to pay the Secretary of State, Auditor and Treasurer such a specified salary.

House bill No 63 entitled an act for the relief of Christopher & Jane Thompson of Scott Co.

H B No 64 House bill No 64 entitled an act for the relief of Wiles N. Kelley and to declare him sane and competent to receive his property.

H B No 65 House bill No 65 entitled an act to extend the limits and amend the charter of the town of Monticello.

Which are herewith transmitted and the assent of your honorable body respectfully asked.

The House has passed a joint resolution tendering the thanks of the General Assembly to Jno C. Bush of Dico Co for distinguished military services; in which the concurrence of your honorable body which is respectfully asked.

The House has concurred in Senate joint resolution in relation to making appropriations for the manufacture of sent cotton cards & Iowa

The committee under said resolution on the part of the House consists of Messrs Collins of Dico, Lisell, Martin Wycough & Jones of Lawrence.

S B No 31 The House has passed Senate bill No 31 entitled an act supplementary to an act passed at the present session of the General Assembly entitled an act to establish the county of Crop; which is herewith returned

The House has also passed Senate Bills Nos 8 & 9 with amendments; which are herewith returned for the assent of your honorable body

G M Woodruff
Clerk H of Reps

Motions and resolutions in order

On motion of Mr Hamilton, the passage of House Bills Nos 14 & 15 ~~entitled~~ to be entitled an act ~~to~~ ~~entitled~~ an act to prohibit the further sale of public lands of this state & for other purposes" & House bill No 3 entitled an act to protect the interest and

rights of persons holding certificates of preemption to any of the swamp or unappropriated lands of the state" was reconsidered & the bills recommitted to the committee on Swamp & Unappropriated lands from which they were reported

On motion of Mr Trimble the passage of House Bill No 23 entitled an act to prevent the issuing of executions" was reconsidered and on motion of Mr Hampton recommitted to the committee on judiciary from which it was reported

Mr Smith offered the following joint resolution

Resolved - That a joint committee of the two Houses of this General Assembly be appointed whose duty it shall be to ascertain if a suitable family residence can be secured for Governor Flanagin for and during his term of office & that in such selection they take into consideration eligibility convenience and comfort and that they report their proceedings at the earliest time practicable ;

Which resolution was on motion of Mr Embry adopted

Mr President appointed as such committee on part of the Senate - Messrs - Smith, Embry and Stillwell

Reports of Standing committees

Mr Clark from the committee on judiciary made the following report

Mr President

SB No 6 The judiciary committee to which was referred Senate Bill No 6 to be entitled "an act to extend the provisions of certain laws" have had the same under consideration and have instructed me to report the accompanying substitute and recommend its passage

Clark chairman

Which report was read and the accompanying substitute adopted in lieu of the original bill

On motion of Mr Clark the substitute was laid on the table for the present

Mr Clark further from the judiciary committee made the following report

Mr President

The judiciary committee to which

S Bill No 32 was referred Senate Bill No 32 to be entitled "an act to change the 4th, 5th & 9th judicial circuits of this state" have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage with an amendment herewith submitted

Clark chairman

Strike out section 3 and insert as follows

Sec Be it further enacted that the circuit courts of the ninth judicial circuit shall be held as follows

In the county of Dallas on the first Mondays of March and September

In the county of Hot Springs on the second Mondays in March and September

In the County of Clark on the third Mondays of March & September

In the county of Montgomery on the first Monday of April & October

In the County of Polk on the second Monday in April & October

In the County of Pike on the third Mondays of April & October

In the county of Sevier on the on the first Monday after the fourth Monday in April and October

Said report was read and the amendment adopted

On motion of Mr Clark the bill was read the third time as amended and passed

Mr Williams from the committee on enrolled Bills made the following report

Mr President

The committee on enrolled Bills have examined the enrollment of "an act to constitute a commission of enquiry also "an act for the relief of Moses J Worden school commissioner of Lawrence county and have instructed me to report the same correctly enrolled

Williams chairman

Mr Williams further from the committee on enrolled Bills made the following report
Mr President

I have the honor to report that on the 19th day of November 1862 I presented to the Governor enrollments of "an act to constitute a commission of engineering and" "an act for the relief of Moses S Hendrix school commissioner of Lawrence county" for his action thereon

Williams chairman

Which report was read and received

Mr Stillwell from the committee on claims made the following report
Mr President

The committee on claims have had under consideration House Bill No 41 to be entitled "an act for the relief of James L. Morton of Crawford. Peter. Butler of Polk and Willis Jones of Pike county" an have instructed me to report the same back with certain amendments herewith submitted and recommend its passage

Stillwell chairman

Amend the 1st section by inserting the words "and the sum of sixty dollars to John T London of Sebastian county" after the words "of Pike county"

Amend Section 2 by inserting the words "and that he also draw a warrant on the treasurer in favor of C B Neal (for the use of John T. London) for sixty dollars" after the words "Pike County"

Said report was read and the amendments adopted

On motion of Mr Stillwell the bill was recast the third time as amended and passed

Mr Stillwell further from said committee made the following report
Mr President

The committee on claims have had under consideration House Bill No 29 intitled "an act for the relief of A S Lickert"

NB No 41

NB No 29

and have instructed me to report the same back to the Senate and recommend its passage

Stillwell chairman

Which report was read and received &

On motion of Mr Dickson, the bill was read the third time and passed

Mr Sherman from the committee on Penitentiary made the following report

Mr President

The joint committee on the Penitentiary have instructed me to make the following report

Your committee have examined the improvements which Mr A. J. Ward the keeper on contract entered into with the State to make under the law of last session, consisting of the building of new cells additional workshops and find that the same have been completed in conformity with the contract except a trifling amount of plastering and the grating of the cells which latter has not been completed in consequence of the impossibility of procuring iron suitable for the purpose. It affords your committee pleasure to be able to report that the discipline of the institution is good — The convicts are well provided with suitable clothing and bedding. Their diet with the exception hereafter stated is good and supplied in sufficient quantities.

The health of the convicts, is not as good as your committee would wish but they are satisfied that it is not attributable to any fault or negligence of the Keeper or his subordinates or the want of proper medical attendance but solely to the causes hereafter mentioned. One cause of sickness is the want of proper ventilation of the cells. This cause cannot now in consequence of the difficulty in procuring iron pipes for the purpose be remedied but your committee would respectfully request the propriety of such legislation as will authorize the Prison to cause the necessary work to be done and the highly desired object attained if the material can be procured.

Another cause is the want of a sufficient supply of vegetable food and acids

That this cause exists is not the fault of Mr Mann or his subordinates, but solely attributable to the fact that in consequence of circumstances beyond his control. Your committee are satisfied that neither pains nor expense have been spared to obtain the needful articles.

The third though not least cause of sickness is the crowding into the institution a large number of humans not convicts but prisoners of war and citizens arrested and imprisoned by order of the Military authorities of the Confederate States.

Besides detracting from the comfort of the convicts and producing disease among them there is a principle involved which should not be overlooked. The Penitentiary was erected at great expense and continued by the state not for the purpose of punishing men charged with crimes meriting ~~m~~ of securing prisoners of war although she might and would willingly permit its use for the latter purpose if she could with proper regard for the health and comfort of the unfortunate beings confined ~~and~~ by authority of her own laws.

She has and may with propriety forbid present at least permit the reception and imprisonment by the Judicial Tribunals of the Confederate States of offenders against the laws. But your committee are of opinion that it never was the intention of the Legislature that her citizens should be there confined and put to hard labor subject to the Prison discipline and disgraced by being made the companions of felons until they were convicted or sentenced not by Military Tribunals but by the Judicial Tribunals.

If your committee are wrong in these conclusions the frames of our constitution stand convicted of doing an unnecessary and senseless act when they engrafted upon the bill of Rights, the, in your committees opinion, capital provision that no free white man or Indian should be put to answer to any criminal charge punishable with death or imprisonment in a jail or penitentiary

but by presentment indictment or impeachment. That the right of trial by jury shall remain inviolate to free white men and Indians and that no free white man or Indian shall be taken or imprisoned or disseized of his freehold liberties or privileges or outlawed or exiled or in any manner destroyed or deprived of his life liberty or property but by the judgment of his peers or the law of the land.

To remove the evil and prevent its recurrence your committee recommend the adoption of the resolution herewith submitted.

In conclusion your committee beg leave to testify to the faithful and efficient manner in which Wm McRae the Keeper and his assistants, Dr Kirkwood the Physician and the Rev Mr McKenzie Chaplain of the Penitentiary have discharged their respective duties.

Wm Sherman
Chairman of Senate Committee
Green R. Jones
Chairman of House Committee

Resolved by the General Assembly of the state of Arkansas = That the Keeper of the Penitentiary shall not receive into or keep in said institution any person except such as are duly convicted of crimes and sentenced to imprisonment as punishment for such by the judicial tribunals of this state except slaves and it is hereby made his duty to require the production of a duly certified copy of the judgment of the court in which the conviction was had before receiving the convict

Which report was received and the resolution read the first time

On motion of Mr Dodson the rules were suspended the resolution read the second time and On Motion of Mr Van Patten the third time and adopted

Mr Trimble from the joint special

committee made the following report
Mr President

The joint special committee to which was referred that portion of the Governor's message in reference to the manufacture of salt have had the same under consideration and after collecting much valuable information in reference to the different salines in the state the quantity of salt produced at each — But a joint special committee of both Houses having been subsequently appointed to take into consideration the expediency and necessity of establishing a manufactory of iron salt & Cotton cards this action renders it wholly unnecessary that this committee should proceed any further — Therefore on motion the committee dissolved and have instructed me to report the same to the Senate and ask to be discharged from the further consideration of the subject

Preamble chairman

Which report was read and on motion of Mr Bunch adopted and the committee thereby discharged

The introduction of Bills was in order

No 35 Mr Williams introduced Senate Bill to be entitled "an act for the relief of Lafayette County

Read the first time

On motion of Mr Williams the rules were suspended the bill read the second time by title and referred to the committee on claims

No 36 Mr Williams introduced Senate Bill to be entitled "an act concerning road overseers in Hempstead County

Read the first time

On motion of Mr Williams the rules were suspended the bill read the second time by title and took its course under the rules

No 37 Mr Clark introduced Senate Bill to be entitled an act for the relief of certain collectors of revenue"

Read the first time

On motion of Mr Stillwell the rules

were suspended the bill read the second time by title and ~~on motion of the Speaker~~ referred to the committee on Claims

No 38 Mr Stillwell introduced Senate Bill to be entitled an act for the relief Cadet Langston as special commissioner under act of the General Assembly approved Nov 18th 1861

Read the first time

On motion of Mr Stillwell the rules were suspended the bill read the second time by title and on motion of Mr Bunch referred to the committee on claims

House Bills were called up

Mr Bunch was called to the chair

H B. 36 House Bill No 36 to be entitled "an act further to extend the provisions of an act entitled an act concerning the cultivation of cotton approved March 21st 1862 was read the first time anew

On motion of Mr Sherman the rules were suspended the bill read the second time by title and referred to the committee on agriculture.

H. B. 56 House Bill No 56 to be entitled an act to pay the Secretary of State Auditor and treasurer such a specific salary was read the first time

On motion of Mr Clark the rules were suspended the bill read the second time and referred to the committee on Ways and Means

H B No 63 House bill No 63 entitled an act for the relief of Christopher and Jane Thompson of Scott County was read the first time.

On motion of Mr Clark rules suspended bill read the second time by title and referred to the committee on Indiciary.

H B No 64 House bill No 64 entitled an act for the relief of Silas N. Kelley and to declare him of age and competent to receive his property was read the first time.

On motion of Mr Smith, rules suspended the bill read the second time & referred to committee on Indiciary.

H B No 65 House bill No 65 entitled an act to ex-

and the limits and amend the charter of the town of Monticello, was read the first time.

On motion of Mr Belser, rules suspended the bill read the second time, by title, and on motion of Mr President referred to a select committee of two.

Messrs Belser and Trimble were appointed such committee.

Message from the Governor:

Mr President

I am requested by the Governor to inform your honorable body that on the 19th day of November 1862 he approved and signed an act to provide for a commission of enquiry, and an act for the relief of Moses L. Hardin School Commissioner of Lawrence county,

W M Mathews
Private Secretary

Mr Stilwell asked and obtained leave of absence for Mr Whitfield on account of indisposition.

House joint resolution tendering thanks to Mr John C. Bush for military services rendered at Oak Hills was taken up and read.

The following House amendment to Senate bill No 8 entitled an act to facilitate the collection of debts against the estates of deceased persons was read to wit:

Sec 8. It further enacted that the owner of any claim or demand against an estate may present the same for allowance at any time within six months after the ratification of peace between the United States and the Confederate States of America

Provided that all claims and demands presented for allowance within twelve months after the grant of letters Testamentary or of administration shall be allowed and classed as now prescribed by law and all other claims and demands presented for allowance within six months after the ratification of peace shall be placed in the fifth class of claims.

~~Which~~ Said amendment was concurred in by the Senate

The following House amendments to

Senate Bill No 9 to be entitled an act to amend the revenue laws" were read to wit

1st amendment Proviso Section 1

Provided - That the provisions of this act shall in no case be applied to alien non-residents who are now or who may become citizens of any of the states now at war with the Confederate States

Which was concurred in by the Senate

2nd amendment to wit

Strike out of 2nd Section the words sold since the first day of January 1862 or hereafter

The question being taken on the adoption of the amendment Mr Hampton called for the yeas & nays - Call sustained as ordered

Yeas Messrs - Pollard, Sherman, Trimble and Mr President - 4

Nays Messrs - Anthony, Baker, Bennett, Clark, Dodson, Embry, Hallibrston, Hampton Hunt, Lech, Smith, Stillwell, & Wallace, - 14

So the amendment was not adopted

3d amendment to wit

Strike out the word tender in the 4th section after the word instrument

Which amendment was not concurred in by the Senate

4th amendment to wit

Strike out Treasurer and insert collector wherever it occurs in the bill

Which amendment was concurred in by the Senate

Senate bills ordered up

SB No 25 Senate Bill No 25 was taken up

was on motion of Mr Clark the report of the judiciary committee recommending the rejection of the bill ~~to~~ adopted & the bill thereby rejected

Mr President on leave offered the following resolution

Resolved That the Secretary of state be required to furnish the Senate with an abstract of the census taken by the sheriffs

of the various counties of this state in 1862

Read and adopted.

Mr Williams on leave offered the following joint resolution

Whereas upon inspection and examination of the Penitentiary by the Joint Committee of the General assembly of the State of Arkansas as well as the report of the Superintendent, Institution it has been ascertained and made known to this General assembly that many persons are confined in that institution who have not been convicted of any crime but have been seized and incarcerated by Provost Marshals acting under Military authority without hearing or trial therefor

Be it resolved by the General assembly of the state of Arkansas that the seizure and imprisonment of persons in civil life who are charged only with crimes against the civil law without hearing and without trial is contrary to the genius of our institutions unconstitutional and destructive of civil liberty.

Be it further resolved that Maj Genl Holmes Commander in chief of the Trans-Mississippi district be and he is hereby requested to cause all persons who are now confined in the Penitentiary or other prisons who are charged only with offences against the civil law to be immediately transferred and delivered to the proper civil officers to be dealt with as the constitution and laws of this state direct.

Read first time.

On motion of Mr Clark the rules were twice suspended the resolution read the second and third times, when Mr Belser called for the yeas and nays on its adoption.

Sustained and adopted

Yeas — Messrs Armstrong, Belser, Bunch, Clark, Dodson, Embry, Hallibertson, Hampton, Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Tribble, ~~Tom Patton~~, Wallace, ~~Whitfield~~ Williams and Mr President — 18

No 39 Mr Trimble on leave introduced Senate Bill to be entitled "an act for the protection of Receivers"

Read the first time &

No 39 On motion of Mr Trimble the rules were suspended the bill read the second time by title and referred to the committee on judiciary

Mr Williams from the committee on enrolled Bills on leave made the following report

Mr President

The committee on enrolled bills have examined the enrollment of "an act supplementary to an act passed at the present session of the General Assembly entitled an act to establish the county of Crosp and instruct one to report the same correctly enrolled and ~~that~~ I have this day November the 19th 1862 handed the same to the Governor for his action thereon

Williams Chairman

On motion of Mr President the Senate adjourned until 9 o'clock to-morrow morning

Thos J. Fletcher
President

Thursday Nov. 20 1862

Senate met.

Prayer by Rev. Samuel Hallinan.

Roll called.

Present— Messrs Cornelius, Belser, Brooks Clark, Davis, Dodson, Findley, Hallinan, Hampton, Hunt, Leech, Pollard, Sherrard, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams and Mr President— 21

Journal of yesterday read & approved & signed.

Message from House of Representatives by the Clerk

Mr President

I am instructed to inform your honorable body that the House have passed the

following Bills

House Bill No 33 to be entitled "an act to suspend the revenue laws of this state & for other purposes"

House Bill No 35 to be entitled "an act to amend the revenue laws of the state of Arkansas"

House Bill No 39 to be entitled "an act authorizing the distillation of grain into spirituous liquors"

H Bill No 43 to be entitled "an act to confirm title to certain lands"

H Bill No 44 to be entitled "an act to confirm title to certain lands"

H Bill No 47 to be entitled an act to amend the revenue laws

H Bill No 66 to be entitled an act to enable certain Free negroes & Mulattoes to pay their debts

Which are herewith transmitted for the assent of your honorable body which is respectfully asked

The House has adopted the following resolution

Resolved – (The Senate concurring) that the two Houses of the General Assembly go into the election of a state printer on Thursday the 20th instant at 8 O'clock. P.M. of said day

The concurrence of your honorable body is respectfully asked

The House has adopted House joint resolution relating to the establishment of a board of claims by congress & House joint resolution relating to the penitentiary and imprisonment of prisoners of war & others therein by the military authorities

Also House joint resolution, in relation to the petitions of sundry citizens of Crawford and Sebastian counties and correspondence of his excellency the Governor

The committee on the part of the House is Messrs Neal, Oliver Berry Shoor & Pettus

Which are herewith transmitted for the concurrence of your honorable body which is respectfully asked

House bill No 6 is herewith returned with the amendment of the Senate amended

By the House

To which your honorable body is respectfully asked to concur

The House has assented to Senate Bills No 10½ intitled an act for the benefit of the widow & children on Minton Pettey of columbia county and No 14 entitled an act to authorize Edward B Blanks to erect and keep a toll bridge across Maumell creek

Senate bill No 13 entitled an act concerning the revenue of the counties is herewith returned with an amendment ~~which is herewith returned~~ for the assent of your honorable body

The House has rejected senate Bill No 3 which is herewith returned

A M Woodruff
Clerk of H of Reps

The President laid before the senate the following communication from the Secretary of state

Office of the Secretary of state
Little Rock Ark. Nov 20th 1862

Hon Thos Fletcher
President of the Senate

Sir in response to the resolution of the Senate calling upon me to furnish the Senate with an abstract of the census taken by the sheriffs of the various counties of the state in 1862 I have to state that I found on file in my office only census returns from twenty-two counties as follows

Desha, Montgomery Ouachita, Columbia Arkansas, Phillips, Yell, Marion, Jefferson, Hot Spring, Dallas, Prairie, Pulaski Polk, Calhoun, Izard, Pike Lafayette Johnson, Perry, Poinsett & Pope,

of these counties the additions has been made of but few and it will take some time to furnish an abstract of those on file in the office

Respectfully
O H Oats Sec of State

On motion of Mr Clark House joint

resolution raising a special committee of both Houses to consider the petition of sundry citizens of Sebastian county was taken up ~~and~~ read & on his further motion concurred in by the Senate

The President appointed as such committee on part of the Senate Messrs – Clark Hampton & Whitfield

Motions and resolutions were in order

Mr Ran Patten offered the following resolution

Resolved – That the committee on public printing be instructed to enquire and report what sums were paid for printing and preparing war bonds and treasury warrants to whom paid whether the work was done at the prices fixed by law and any facts connected with the purchase of plates at extravagant prices and the propriety of providing by bill or otherwise for a less enormous expense of printing and preparing bonds and warrants:

Which was read & on his motion adopted

Mr Hampton offered the following resolution

Resolved by the General Assembly of the State of Arkansas – That the Public Printer is hereby directed to publish the constitution of the confederate States of America as an appendix to the acts of the present session of the General Assembly

read the first time & on motion of Mr Hampton the rules were twice suspended the resolution read the 2nd & 3d time and adopted

Reports of standing committees were in order

Mr Hampton from the committee on ways & means made the following report

Mr President

S B No 21 The committee on Ways & Means to which was referred Senate Bill No 21 to be entitled an act to pay the thirty day volunteers or militia called out by Col Borland at Pocahontas Arkansas in the month of November 1861" have had the same under consideration and the committee being equally divided pro and against the propriety of passing the bill it is therefore herewith reported back to the senate

Hampton chairman

Said report was read and accepted and on motion of Mr Hampton the committee discharged from the further consideration of the bill

Mr Pollard from the committee on ways and means made the following report

SB No 14

Mr President

The committee on ways & means to which was referred Senate Bill No 18 to be entitled "an act for the relief of persons who furnished guns to the 8th Arkansas regiment Volunteers" have had the same under consideration and a majority of said committee have instructed me to report the same back to the Senate with sundry amendments and recommend its passage as amended

Pollard chairman

at the close of the first section insert "and also the 15th Regiment mustered into service by Col A.D. Grayson"

also the following proviso

"Provided - When the claimant is deceased his heirs at law may receive and receipt for the same"

Which report was read and on motion of Mr Anthony the amendments were adopted

Mr Dodson offered to amend the bill by inserting after the word Pattison - the words "& the 14th Arkansas regiment mustered into service by E.W. Turner

which was adopted

Mr Smith offered to amend said bill by inserting after the word Turner the words "and the 12th Arkansas regiment mustered into service by Col E.W. Gantt

Which amendment was adopted

On motion of Mr Embry the bill was made the special order for to-morrow 10 o'clock A.M

Mr Clark from the committee on judiciary made the following report

Mr President The committee on judiciary to

HB No 59 have instructed me to recommend the rejection of House bill No 59. to be entitled an act to amend the law concerning Administrators Executors and Guardians"

Clark chairman

Which report was read and adopted and the bill thereby rejected

Mr Clark further from said committee made the following report

Mr President

The judiciary committee to which was referred House joint resolution in relation to cotton destroyed by the Confederate Government and Senate resolution in relation to exemptions from Military duty and also Senate resolution in relation to employees in the Quartermasters Department have had said resolutions under consideration and have instructed me to report that in the opinion of the committee no legislation is necessary on the subjects contemplated in either of said resolutions and ask to be discharged from further consideration of said resolutions.

Clark chairman

Which report was read and adopted & the committee discharged as requested.

Mr Clark further from said committee made the following report:

Mr President

SB No 25 The Judiciary committee to whom was referred Senate bill No 28 to be entitled an act to repeal Sections one, five, six, seven, eight and nine of chap 106 of the Digest of the Statutes of Arkansas. have considered the same and have instructed me to recommend its passage.

Clark chairman

Which report was received and on motion of Mr Clark the bill was read the third time and passed.

Mr Clark further from said committee made the following report:

Mr President

HB No 42 The Judiciary committee to whom was referred House bill No 42 to be entitled an act to confirm the general sheriff offices of this State.

have had the same under consideration and have instructed me to report the accompanying amendment thereto and as amended to recommend its passage

Clark Chairman

Which report was received and on motion of Mr Clark the amendment adopted

On motion of Mr Whitfield the bill was further amended by inserting after "apprt" in Sec 2 the words "over the age of forty five years."

The bill was then read as amended and passed

Mr. Clark further from said committee made the following report:

Mr President

SB 33 The Judiciary committee to which was referred Senate bill No 33 to be entitled An act in relation to the dower of widows have instructed me to recommend its rejection.

Clark Chairman

Report received and adopted and the bill thereby rejected.

Mr Hunt from the committee on Education made the following report

Mr President

HB 45 House bill No 45 entitled An act a-mendatory of the act incorporating the Wallace Institute of Crawford County was referred to the committee on Education. The committee have considered said bill and instruct me to report it back to the Senate and recommend its passage

Hunt Chairman

Report received and on motion of Mr Bunch the bill was read the third time and passed.

Mr Williams from committee on enrolment made the following report:

Mr President.

The committee on enrolled bills have examined the enrollment of Senate bill No 8 an act to facilitate the collection of debts against estates of deceased persons and instruct me to report the same correctly enrolled,

Williams Chairman

Read & received

Mr Clark was called to the chair.

Mr Belser made the following report.

Mr President

H B No 65 — The select committee to which was referred House bill No 65 entitled an act to extend the limits and amend the charter of the town of Prairieville have had the same under consideration and bring equally divided ask leave to report the bill back to the Senate and to be discharged from the further consideration thereof.

Belser Chairman

Which report was received and

Mr Belser called for the yeas and nays on its adoption.

Sustained and ordered.

Yeas — Messrs Anthony, Belser, Bunch, Clark, Dodson, Embry, Hallibuton, Hampton, Hewitt, Leech, Pollard, Sherman, Trimble, Van Patten, Whitfield & Mr President — 16.

Nays — Messrs Harris, Smith, Stillwell, Wallace and Williams — 5.

So the report was adopted and the committee discharged as requested.

On motion of Mr Belser the bill was read the third time, by title, and the question on its passage decided in the negative — a division 8 in the affirmative and 12 in the negative.

The introduction of bills was in order.

S B No 39 Mr Anthony introduced Senate bill to be entitled an act to establish the county of Mallory.

Read the first time

On motion of Mr Anthony the rules were suspended the bill read the second time by title.

(Mr President resumed the chair)

On motion of Mr Clark the name "Mallory" wherever it occurs in the bill was stricken out and "Hardmaff" inserted in lieu.

On motion of Mr Van Patten the rules again suspended the bill read the 3rd time, by title, and passed

S B. No 40 Mr Williams introduced Senate Bill to be entitled an act for the relief

of Mrs Elizabeth Hempstead executrix of Genl Samuel, H. Hempstead deceased"

Read the first time

On motion of Mr Williams the rules were suspended the bill read the second time and referred to the committee on claims

Mr Stillwell from the judiciary committee on law made the following report

Mr President

The committee on judiciary have considered House resolution to instruct our Senators and request our Representatives in Congress to use their influence ~~to have~~ ~~a resolu~~ with the President & War Department to have unsculled all illegal military orders in the Trans Mississippi district have instructed me to report the following amendments and to recommend its adoption as amended

Stillwell. one of the Committee

Strike out all after "resolved" ~~and~~ the first time and insert the following

"by the General Assembly of the State of Arkansas - That no officers of the Confederate Government is by law empowered to set Provost Marshals with any authority over citizens of the Confederate States not belonging to the land or naval forces thereof or with general police powers or duties for the preservation of the peace and good order of any city Town or Municipal district in any State of this confederacy. And any such exercize of authority is illegal and void

<u>Resolved</u>- That no officer of the Confederate Government has constitutional or other lawful authority to limit or restrict or in any manner to control the exercise of the jurisdiction of the civil judicial tribunals of the States of this Confederacy vested in them by the constitution and laws of the states respectively and all orders of any such officers tending to restrict or control or interfere with the full exercize of the jurisdiction of such civil

judicial tribunals are illegal and void

Resolved – That the military law of the Confederate States is by the constitution and enactment of congress limited to the land and naval forces and the militia when in actual service and to such other persons as are in the lines of any army many corps division or brigade of the army of the Confederate states

Resolved – That the secretary of State be and he is hereby instructed to furnish copies of these resolutions to our Senators and Representatives in Congress to be laid before that body

Which report was received on motion of Mr Stillwell the amendment adopted

On his further motion the resolution was read the third time as amended and ~~adopted~~ concurred in by the Senate

H Bill 65

On motion of Mr Pollard the question of House Bill No 65 to be entitled an act to extend the limits and amend the charter of the town of Montvale was reconsidered on his further motion the third reading of the bill was recommitted.

On motion of Mr Branch the 2nd section of the bill was amended by striking out "perpetual succession" and inserting "succession for ninety nine years".

On motion of Mr Clark the bill was read the third time by title & passed.

S 13
No. 41

Mr Williams asks leave introduced Senate bill to be entitled an act to provide for Home Defence and against insurrection

Read the first time

On motion of Mr Williams rules suspended bill read the 2nd time by title and referred to the committee on Military

On motion of Mr Williams House resolution to go into the election of Public Printer this evening at 3 o'clock P.M. was laid on the table and on motion of Mr Hancock amended by striking out "Thursday 20 inst" and inserting "Wednesday 26th inst."

The resolution as amended was then concurred in.

On motion of Mr Leach the Senate adjourned until 9 o'clock tomorrow morning

Thos. J. Fletcher
President

Friday Nov 21st 1862

The Senate met
Prayer by the Revd Simis Leach
Roll called
Present Messrs — Anthony, Baker, Bunch, Clark, Davis, Dodson, Embry, Halliburton, Hampton Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams, and Mr President — 21

The journal of yesterday was read approved and signed

Motions and resolutions were in order

S.B. No 39 On motion of Mr Van Patten the passage and 3d reading of Senate Bill No. 39. to be entitled an act to establish the county of Macduff were reconsidered and

On his further motion said bill was amended by striking out the word Augusta in the 15th section and inserting Cottonplant in lieu thereof

On his further motion the bill was read the third time as amended and passed

H.B. No 32 On motion of Mr Bunch the passage and 3d reading of House bill No 32 ~~to~~ entitled an act to suspend the ~~[illegible]~~ land offices of this state and for other purposes were reconsidered and

On his further motion the bill amended by inserting after the word years in the 3d section the words "or who is ~~[illegible]~~ not liable to military service and

On his further motion the bill was read the third time as amended & passed

S.B. 32 On motion of Mr Clark the resolution

S B No 33

of Senate Bill No 33 to be entitled "an act in relation the dower of widows was reconsidered and

On motion of Mr Hampton recommitted to the committee on the judiciary

Reports from standing committees in order

Mr Hampton from the committee on ways & means made the following report

Mr President

H B No 56

The committee on ways & means to whom was referred House Bill No 56 to be entitled "an act to pay the secretary of state. Auditor and treasurer such a specified salary" have had the same under consideration and I am instructed to report the same back to the Senate with sundry amendments and as amended to recommend its passage

Hampton chairman

Amend the first section by striking out fifteen hundred & inserting two thousand as the salary of the secretary of state and by striking out two thousand & inserting twenty-five hundred as the annual salary of the state treasurer and by striking out two thousand and inserting twenty-five hundred as the annual salary of state auditor and

By adding the following proviso

Provided – That any person who may call for copies of any record or plat or paper and receive the same shall pay the fees now allowed by law – and parties at law desiring certified copies of any record or paper for exhibits shall pay the fees for making the same. And all applications for copies shall be filed in the order in which they may be presented and no person shall be entitled to have his work or labor done until former applications shall be disposed of – Provided further – That the clerical labor necessary to make copies of such records, plats or papers shall be furnished by the auditor without charge to the state

Strike out $75 in sections 2, 3 & 4 and insert $100 in lieu thereof

Which report was received and

the amendments read and severally adopted

On motion of Mr Bunch the bill was read the third time as amended and passed

Mr Stillwell from the committee on claims made the following report Mr President

S B No 37

The committee on claims have considered Senate Bill No 37 to be entitled an act for the relief of certain collectors of revenue" and have instructed me to report the same back with an amendment and recommend its passage as amended

Stillwell Chairman

amend by striking out all after the word committee in the 7th line

Said report was read and received and

On motion of Mr Stillwell the amendment adopted & on his further motion the bill was read the 3d time as amended and passed

Message from the House by the clerk Mr President

I am instructed to inform your honorable body that the House has adopted House joint resolution in relation to the establishment of a mail route to Berryville Arkansas and a joint resolution in relation to the reimbursement of the Memphis & Little Rock Railroad by the confederate government for the rail road bridge burnt at Madison by the military authorities

The House has passed the following House Bills to wit

House bill No 69 to be entitled an act to amend an act to facilitate the circulation of Arkansas war bonds and Treasury warrants

No 70 to be entitled an act to amend the charters of the cities of Pine Bluff & Greenwood

No 71 to be entitled an act to repeal an ordinance of the convention entitled an ordinance for the benefit of Arkansas county

No 72 to be entitled an act for the

relief of David A Stuart of Franklin county

No 72 entitled An Act for the relief of the late sheriffs and collectors of the different counties in this state.

All of which are herewith transmitted for the assent of your honorable body which is respectfully asked.

The House has assented to Senate amendment to House bill No 24 entitled an act to amend an act entitled an act to aid the Arkansas Institute for the blind which was incorporated on the 4th day of February 1859 approved January 19th 1861.

The House has rejected Senate bill No 11 entitled an act concerning the further issuance of war bonds and Treasury warrants, and

No 19 entitled an act to regulate proceedings under chapter 170 of the Digest.

The House has assented to Senate bill No 16 entitled an act for the relief of B. L. Miller & Co; which is returned.

The House insists upon its amendments to Senate bill No 9 entitled an act to amend the revenue laws; which is herewith returned for the assent of your honorable body which is respectfully asked.

A M Sandefer
Clk H of Reps

Mr Stillwell from the committee on claims made the following report:

Mr President

HB No 36

The committee on claims have had under consideration House bill No 36 entitled an act further to extend the provisions of an act entitled an act concerning the allowance of claims approved March 21st 1862 and have instructed me to recommend the passage of the same.

Stillwell chairman.

Report received and

On motion of Mr Stillwell the bill was read the 3rd time and passed.

Mr Clark from the judiciary committee made the following report:

Mr President

The Judiciary committee to which was referred House bill No. 63 entitled An act for the relief of Christopher and Jane Thompson of Scott county have had the same under consideration and have instructed me to report the same back to the Senate and with the following amendment to recommend its passage

Clark Chairman

Amend by an additional Section:

That John Thomas, alias John Hawkins a free man of color shall be permitted to remain in the county of Pulaski by entering into bond for his good behaviour with such sureties as the county court of said county may require.

Report read and

On motion of Mr Clark the amendment adopted. and the bill as amended ordered 3rd time & passed.

Mr Conley from the committee on Militia made the following reports:

Mr President

SB No 41 The committee on Militia to whom was referred Senate bill No 41 to be entitled An act to provide for Home defence and against insurrection have had the same under consideration and have instructed me to report the same back & recommend its passage

Conley Chairman.

Report received and on motion of Mr Williams the bill read the 3rd time and passed

Mr Belser from the committee on banks made the following reports:

Mr President

SB No 34 The committee on banks to which was referred Senate Bill No 34 to be entitled an act to fund Arkansas Treasury warrants and to authorize a general banking system have had the same under consideration and ask leave to report the same back to the senate with sundry amendments and as amended to recommend its passage

Belser chairman

In Sec 3 1st line strike out the words "in part or in whole"

In Sec 4. 2nd line strike out the words "the foregoing bill" and insert the words "this act"

In sect 4 – 9th line – after the word elected insert the words "by the directory"

In Sec 5 – 6th line strike out the word "what" and insert the word "any"

In Sec 5 – 9th line after the word "in" insert the word "all" & in same section and line after the word "of" strike out the words "record or any other place whatsoever" and insert the words "Law or Equity"

In Sec 6 – 2nd line strike out the words "to close"

In Sec 6 – 4th line strike out the words "and County"

On 5th page 24th line strike out the words "or any of their heirs"

On 5th page – 6th line after the word annum insert the word interest

On 7th page rule 10 2nd line after the word at strike out the words an usurious interest and insert "any greater rate of interest than 6 per cent

On motion of Mr Belser the bill and amendments were made the special order for to-day at 3 o'clock P M

Mr Williams from committee on enrollment made the following report

Mr President . . . . . The committee on enrolled Bills have examined Senate No 10th entitled an act for the benefit of the widow and children of Minton Uttley of Columbia county also Senate Bill No 14 entitled an act to authorize Edward B. Blanks to erect and keep a toll bridge across Bearskull creek and have instructed me to report the same correctly enrolled

Williams chairman

Read & received

Skeist order Senate bill No 18 to be entitled "An act for the relief of persons who furnished guns for the 8th Regiment Arkansas volunteers" was taken up and read.

On motion of Mr Leach the 11th Arkansas Regiment commanded by Col. D. M. Smith was added to the provisions of the bill

On motion of Mr Williams the 4th 19th and 20th Regiments were added.

On motion of Mr Walker the 6th and

18th Arkansas Regiments are added.

On motion of Mr VanPatten the 5th Regiment, commanded by Col McCrae, was added.

On motion of Mr Hallenbeck the 14th Regt commanded by Lieut. McCarver was added.

On motion of Mr Stillwell the Battalion commanded by first Col A A Terry was added.

On motion of Mr Conley the 2nd 3d and 10th Regiments commanded respectively by Colls Mr Intosh, Merrick and Gaither were added

Mr Sherman offered to amend by adding all the Regiments raised for the state service since the war commenced; which was adopted.

Mr Conley offered to amend by adding

That all guns taken by orders of Genl Hindman or other Officers commanding in Arkansas be included.

Pending the discussion on which amendment the bill and amendments are on motion of Mr Wallace indefinitely postponed.

The following message from the Governor was received and read:—

Mr President

I am instructed by the Governor to inform your Honorable body that on the 19th day of November 1862 he approved and signed "An act supplementary to an act passed at the present session of the General Assembly entitled An act to establish the county of Ouachita.

Yours &c
W. M. Mathews
Private Secretary

November 20th 1862.

Mr Hallenbeck from a Joint committee made the following report:

Mr President

The Joint committee of the two Houses to whom was referred the subject of making appropriations by the General Assembly have instructed me to report the accompanying bill and recommend its passage.

Hallenbeck Chairman
on part of the Senate

Which report was received and the bill to be entitled An act to encourage

No 42 "the manufacture of sash iron window cords" was read the first time

On motion of Mr Hallenitor the rules were suspended the bill was read the second time by title and

On motion of Mr Stillwell it was made the special order for Monday next at 10 O'clock A.M.

Mr Clark from a joint select committee made the following report

Mr President

The select joint committee of the two Houses to which was referred the petition of certain citizens of Sebastian county in relation to cows have had the same under consideration and have instructed me to report the accompanying bill and recommend its passage.

Clark chairman

which report was received and

No 43 The Bill to be entitled an act for the relief of the families of the western frontier counties who are destitute of bread stuffs" read the first time

On motion of Mr Clark the rules were suspended & the bill read the second time

On motion of Mr Embry the rules were further suspended the bill read the third time and passed

The introduction of bills was in order

No 44 Mr Stillwell introduced Senate Bill to be entitled an act to amend the law in regard to attachments

Read the first time

On motion of Mr Stillwell the rules were suspended the bill read the second time and referred to the committee on judiciary

No 45 Mr Stillwell also introduced Senate Bill to be entitled "an act to enable the Confederate States to take and hold real estate in the State of Arkansas"

Read the first time

On motion of Mr Stillwell the rules were suspended the bill read the second time by title and referred to the committee on judiciary

House Bills were called up

H.B. No 33 — House Bill No 33 to be entitled "an act to suspend the revenue laws of this state and for other purposes" was read the first time

On motion of Mr Hampton the rules were suspended the bill was read the second time and referred to the committee on Ways & Means

H B No 35 — House Bill No 35 to be entitled an act to amend the revenue laws of the state of Arkansas was read the first time

On motion of Mr Trimble the rules were suspended & the bill read a second time &

On motion of Mr Baker referred to the committee on Ways & Means

H B No 39 — House Bill No 39 to be entitled an act authorizing the distillation of grain into spirituous liquors" was read the first time

On motion of Mr Pollard the rules were suspended the bill read the second time & On motion of Mr Baker referred to the committee on Militia

H B No 47 — House Bill No 47 to be entitled an act to amend the revenue laws" was read the first time

On motion of Mr Smith the rules were suspended the bill read the second time by title and referred to the committee on judiciary

H B No 66 — House Bill No 66 to be entitled an act to enable certain free negroes and mulattoes to pay their debts" was read the first time

On motion of Mr Sherman the rules were suspended the bill read the second time by title and referred to the committee on Ways & Means

On motion of Mr Hampton the Senate took recess until 2½ o clock PM

2½ O'clock P.M.

Senate met.

Roll called.

Present — Messrs Anthony, Baker, Barnett, Clark, Dillon, Dodson, Embry, Hallenbeck,

Hamilton, Hunt, Leech, Pollard, Shannon, Smith, Stillwell, Trimble, VanPatten, Walker, Whitfield, Williams and the President — 21

Mr Williams from the committee on enrollment made the following report:

Mr President:

I have the honor to report that on the 21st day of November AD 1862 I presented to His Excellency the Governor for his consideration "An act to authorize Edward B. Blanks to erect and keep a toll bridge across Maumelle creek; also an act for the benefit of the widow and children of Minton Utley of Columbia county; also an act to facilitate the collection of debts against the estates of deceased persons.

Read and received. Williams chairman

Message from the House of Representatives

Mr President

I am instructed to inform your honorable body that the House of Representatives have reconsidered the vote rejecting Senate bill No 77 entitled an act to regulate proceedings under Chapter 170 of the Digest and request that it be returned to them for further consideration.

The House have amended and as amended passed Senate bill No 39 entitled An act to establish the county of Woodruff; which is herewith returned and the amendment thereto attached in which the concurrence of your honorable body is respectfully asked.

The House have amended and as amended passed Senate bill No 224 entitled an act for the relief of needy families of soldiers in this state which is herewith returned with the amendments attached with concurrence of your honorable body which is respectfully asked.

A. M. Woodruff
Clerk of H. of Reps

Mr President announced the hour for special order Senate bill No 344 to be entitled An act to prevent Arkansas Timber

warrants and to authorize a general banking system", with the amendments thereto pending

The amendments are severally read and adopted.

On motion of Mr Belser the bill was read the third time.

Mr. Belser advocated the passage of the bill and at the conclusion of his remarks the bill was

On motion of Mr Clark made the special order for 2 O'clock P.M. tomorrow.

On motion of Mr Clark the Senate adjourned until 9 O'clock tomorrow morning

Wm. F. Fletcher
President

Saturday Nov 22nd 1862.

The Senate met
Prayer by the Revd S. C. Walker
Roll called
Present Messrs— Anthony Belser, Bunch, Clark, Davis, Dobson, Embry, Halliburton, Hampton Hunt, Leech, Pollard, Sherman, Smith Stillwell, Trimble Van Patten, Wallace, Whitfield, Williams, and Mr President — 21

The journal of yesterday was read approved and signed.

Message from the House of Representatives by the clerk.

Mr President I am instructed to inform your honorable body that the House has concurred in Senate amendment to House joint resolution in relation to Mortgages here in this State

The House has also concurred in Senate amendment to House bill No 41 entitled an act for the relief of James L Morton of Crawford Peter B. Allen of Polk and Willis Jones of Polk county

The House has also concurred in Senate amendments No's 1, 2, 3, 5, 6, & 7 & has amended No 4 to House bill No 50 entitled an act to

pay the secretary of state auditor and treasurer such a specified salary at

which is herewith returned for the concurrence of your honorable body which is respectfully asked

The House has passed Senate bill No 27 entitled an act for the benefit of the widows and minor heirs of Thomas J Watts late of Columbia county

The House has rejected Senate bill No 82 to be entitled an act to change the 4th, 5th & 9th judicial districts which are herewith returned

C M Woodruff
Clerk H of Rep

Motions and resolutions in order

On motion of Mr Van Patten House amendment to Senate bill No 89 entitled an act to establish the county of Woodruff was taken up read and on his further motion concurred in by the Senate

Mr Hampton offered the following resolution

Resolved by the General Assembly of the State of Arkansas – That the joint committee of auditors and treasurers be and hereby are instructed to count cancel and file the war bonds detached coupons from war bonds treasury warrants Arkansas Bank paper Arkansas state bonds and Arkansas state bank bonds and coupons paid into the state treasury to the end that the same may be preserved yet prevented from going into circulation again and the books of the auditor and treasurer directed of the amounts now therein

Which was read the first time

On motion of Mr Hampton the rules were suspended the resolution read the 2d time and on motion of Mr Branch adopted

Mr Hampton offered the following resolution

Whereas – It will be apparent from a careful examination of the bill now pending before the General Assembly for the relief of needy families of soldiers that said bill if passed by the General Assembly into a law cannot be made operative in the accomplishment of the objects had in view therefore

Resolved – That said bill be ordered to lie on the table for the present and that the joint select committee heretofore

appointed to take this matter into consideration be requested to prepare and report a bill the passage of which will afford immediate and certain relief to the families of our soldiers

Read the first time

On motion of Mr Stillwell the rules were suspended the resolution read the second time & adopted

Reports of standing committees were in order

Mr Davis from the committee on elections made the following report

Mr President

The committee on elections to which was referred House bill No 84 to be entitled an act fixing the time for the election of members of Congress of the confederate states" have had the same under consideration and I am instructed to report the same back to the senate and recommend its passage with the accompanying amendment

Davis Chairman.

Amend by striking out "first Monday in October and insert the words "first Wednesday in November 1863"

Read and received

On motion of Mr Davis the amendment was adopted the bill read the third time as amended and passed

Mr Conley from the committee on militia made the following report:

Mr President

The committee on the Militia to whom was referred House bill No 39 to be entitled An act authorizing the distillation of grain into spirituous liquors" have had the same under consideration and have instructed me to report the same back to the Senate with the following amendments viz

Strike out the two first sections of said bill, and where the word further occurs in section 8 of said bill: "be it enacted by the General Assembly of the state of Arkansas and

strike out third in section 4 & insert

first & that Sections 1, 2, 3 & 4 be substituted for sections 3, 4, 5, & 6 Embry chairman

Said report was read & received and the amendments severally read and adopted

On motion of Mr Bunch the bill was read the third time and the question being stated on its passage it was decided in the negative on a division affirmative 7. Negative 11

Introduction of bills in order

No 46 Mr Stillwell introduced Senate bill to be entitled "an act for the relief of John I Stinson late secretary of state"

Read the first time

On motion of Mr Stillwell the rules were suspended the bill read the second time and referred to the committee on claims

No 47 Mr Stillwell introduced Senate bill to be entitled an act to prevent convicts of the penitentiary from labouring on farms &c

Read the first time

On motion of Mr Stillwell the rules were suspended the bill read the second time and referred to the committee on penitentiary

No 48 Mr Hampton introduced Senate bill to be entitled an act to repeal all laws declaring Bayou Bartholomew a navigable stream above a certain point"

Read the first time

On motion of Mr Hampton the rules were suspended the bill read the second time by title and on motion of Mr Clark referred to the committee on Internal Improvements

No 49 Mr Anthony introduced Senate bill to be entitled an act defining the duties of the Military Board

Read the first time

On motion of Mr Anthony the rules were suspended the bill read the second time and referred to the committee on claims

No 50 Mr Cocran introduced Senate bill to be entitled an act for the relief of Nathan Grimes of Madison county Arkan.

Read the first time

On motion of Mr Hodson the rules were suspended the bill read the second time by title and referred to the committee on Claims

Message from the Governor

Mr President

I am instructed by the Governor to inform your honorable body that on the 21st day of November 1862 he approved and signed the following act

An act to facilitate the collection of debts against the estates of deceased persons

An act to authorize Edward B. Blondes to erect and keep a toll bridge across Maumelle creek

An act for the benefit of the widow and children of Minton Cutley of Columbia County

November 22 1862

Wm Mathews
Private Secty

Nº 54

Mr Clark introduced Senate bill to be entitled an act for the relief of the clerk of Sebastian county

Read the first time

On motion of Mr Clark the rules were twice suspended the bill read the second & third times by title and passed

Shield's joint resolution requesting the Governor to prosecute Federal officers and soldiers for arresting or inciting slaves to insurrection was taken up & on motion of Mr Clark laid on the table indefinitely

Mr Branch was called to the chair

House bills were ordered up

House bill Nº 69 to be entitled an act to amend an act to facilitate the circulation of Arkansas war bonds and treasury warrants was read the first time

On motion of Mr Trimble the rules were suspended the bill read the second time by title &

On motion of Mr Williams the rules were further suspended the bill read the third time and passed

Message from the House of Representatives

Mr President

I am instructed to inform your honorable body that the House has concurred in Senate joint resolution in relation to preparing a bill for the relief of the needy families of soldiers which is herewith returned

The House has amended and passed Senate bill No 43 to be entitled an act for the relief of the western frontier counties who are destitute of bread stuffs which is herewith returned for the concurrence of your honorable body which is respectfully asked

C M Woodruff
Clerk H of Rep

House bill No 76 to be entitled an act to amend the charters of the cities of Pine Bluff and Greenwood was read the first time

On motion of Mr Clark the rules were suspended the bill read the second time by title and on motion of Mr President the rules were further suspended the bill read the third time and passed

H Bill No 71 to be entitled an act to repeal an ordinance of the convention entitled an ordinance for the benefit of Arkansas County was read the first time

On motion of Mr President the rules were suspended the bill read the second time by title and referred to the committee on judiciary

H Bill No 72 to be entitled an act for the relief of the late sheriffs and collectors of the different counties in this state was read the first time

On motion of Mr Trimble the rules were suspended the bill read the second time by title and referred to the committee on ways and means

House Bill No 73 to be entitled an act for the relief of David a Stuart of Franklin county was read the first time

On motion of Mr Clark the rules were suspended the bill read the second time by title and referred to Committee on Claims

House Bill No 43 to be entitled an act to confirm title to certain lands" was read the first time

On motion of Mr Sherman the rules were suspended the bill read the second time and referred to the committee on ways & Means

House Bill No 44 to be entitled an act to confirm title to certain lands was read the first time on track its course under the rules

The following amendment to Senate bill No. 13 entitled An act concerning the revenue of the counties, proposed by the House, was read and concurred in Senate:

Amend 1st Sec by inserting before the word "ship" the word "county."

The Senate refused to concur in House amendment to Senate amendment to House bill No. 6 entitled An Act for the relief of persons holding mortgaged property and the same was directed to be returned to the House for further consideration

The amendment of the House to Senate amendment to House bill No 56 entitled an act to pay the Secretary of state Auditor and Treasurer and a specified salary was taken up and the Senate also refused to concur therein

The amendments of the House to Senate bill No 9 entitled an act to amend the revenue laws, in which the Senate had refused to concur, and the House having insisted upon said amendments,

On motion of Mr Stillwell a committee of conference was appointed thereon and

Messrs Stillwell Hampton Van Patten Smith and Clark appointed such committee on the part of the Senate. Mr President resumed the chair

House Joint Resolution was ordered up.

H. Joint Resolution relative to the mail route from Charlesville to Bonpville was taken up & read the first time.

H. Joint Resolution for the establishment of a Board of Claims in Arkansas by the Corporate Government was read the first and 2d times and on motion of Mr Trimble referred to the committee on Judiciary

House Joint Resolution that the Keeper of the Penitentiary should not receive or keep in that institution any person not convicted and sentenced by the Judicial Tribunals was read the 1st and 2d times and referred, on motion of Mr Dodson to the committee on the Penitentiary.

House Joint Resolution asking the Confederate Government to indemnify the Mississippi and Little Rock Railroad Company for the bridge destroyed at the crossing of St Francis river by order of the Military authorities, was read the 1st 2d & 3d times, and

On motion of Mr Van Patten concurred in by the Senate

The following House amendment to Senate bill No 43 entitled an act for the relief of the families of the Western frontier volunteers who are destitute of bread stuffs, was read, and

On motion of Mr Clark concurred in to wit:

Amend Section 8 by adding

Provided, That when the same shall be so drawn off and there is not sufficient to supply the claims then said agent is hereby authorized to remit the same proceeds and the county be credited then pay over said proceeds as herein provided

Senate bill No 36 entitled an act concerning road overseers in Washington county, was taken up & passed.

On motion of Mr Williams the report was adopted.

Senate bill No 25 entitled an act to amend an act to provide for the issuance of Treasury warrants of small denomination and for the redemption of Arkansas State bonds, was taken up and read and rejected.

Senate bill No 21 entitled an act to pay the thirty days volunteers or Militia called out by Col Borland at Pocahontas Arkansas in the month of November 1861 was taken up and read the third time.

Mr Trimble called for the yeas and nays on the passage of the bill.

Sustained and ordered.

Yeas — Messrs Anthony, Bilson, Clark, Davis, Halliburton, Leach, Pollard, Shannon, Trimble and Van Patten — 10.

Nays — Messrs Beach, Dodson, Eagerty,

Hampton, Hunt, Smith, Stillwell, Wallace, Whitfield, Williams and Mr President — 11.

So the bill did not pass.

Mr Anthony asked and obtained leave of absence till Monday morning.

On motion of Mr Pollard the Senate took a recess until 2 o'clock P.M.

At 2 o'clock P.M the Senate met.

Roll called

Present Messrs ~~[illegible]~~ Belser, Bunch, Clark, Davis, Dodson, Emby, Hallibuton, Hampton Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Wallace, Whitfield, Williams & Mr President - 19

Special order Senate bill No 34 entitled An act to fund Arkansas Treasury warrants and to authorize a general banking system, was taken up, and

On motion of Mr Stillwell the 3rd reading of the bill was reconsidered.

Mr Belser offered the following amendments

Amend 1st Section 2nd line - after the word Arkansas insert the words "War Bonds and interest bearing"

Which was read & on motion of Mr Stillwell adopted

Amend Sect 2nd 1st line By striking out the words "One banking company may be formed in each Senatorial district" and insert the words. "Banking companies may be formed in the state"

Which was read & on motion of Mr Stillwell adopted

Amend 2nd Section 5th line - after the word Arkansas insert War Bonds and interest bearing"

Which was read and on motion of Mr Belser adopted

Amend 2nd Section 10th line - after the word Arkansas insert the words. "War Bonds and interest bearing"

Which was read and on motion of Mr Stillwell adopted

Amend Section 4. 1st line - after the word "Arkansas" insert the words War Bonds and interest bearing"; which was read & on motion of Mr

Substitute adopted.

Amend Sec 4, 5th line by striking out the words "of the Secretary aforesaid" and insert the words "wherein such Bank is to be established" also strike out in same and 6th line the words "in said Senatorial District."

Read and on motion of Mr Bolser substitute adopted.

Mr Dodson offered the following amendment:

Amend 3rd Sec 3rd line by striking out "two" after seven and inserting "one"

Read and on motion of Mr Bolser adopted.

Mr Dodson offered to amend further to wit: Insert, after 6th Sec 4th line, after the word "laid," as follows:

Provided always that the issues or bills of the banks herein authorized to be formed when held by the state shall always be redeemable on presentation in specie, Arkansas Treasury warrants or a credit given therefor on the bonds herein authorized to be issued, either mode of settlement being equitable to the state.

Read and on motion of Mr Dodson adopted

On motion of Mr Bolser the bill was then read the third time.

Mr Trimble spoke against the passage of the bill and at the conclusion of his remarks the bill was

On motion of Mr Conway made the special order for 3 o'clock Monday Evening.

Mr Williams made the following report:

Mr President

The committee on enrolled bills have examined the enrollments of Senate bill No 16 entitled an act for the relief of B L Pittman & Co; also Senate bill No 27 entitled an act for the benefit of the minor and minor heirs of Thomas J Pratt, late of Columbia County; also Senate bill No 43 entitled an act for the relief of the families of the Choctaw frontier counties, who are destitute of breadstuffs & find the same correctly enrolled

Williams Chairman

On motion of Mr Conway the Senate adjourned until 9 o'clock Monday Morning

Thos. J. Fletcher
President

Monday Nov 24th 1862

The Senate met

Prayer by Revd Lemuel Halliburton

Roll called

Present Messrs — Belew, Bunch, Clark, Davis, Dodson, Embry, Halliburton, Hampton, Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Swindle, Van Patten, Wallace, Whitfield, Williams and the President — 20

The journal of Saturday was read approved and signed

Message from the House of Representatives by the clerk

Mr President

I am instructed to inform your honorable body that the House has passed the following House bills

H Bill No 1 to be entitled an act to provide for the issue of change tickets

No 32 to be entitled an act for the relief of certain persons in the state of Arkansas

No 67 to be entitled an act to confer jurisdiction on justices of the peace in action ex delicto & for other purposes

No 68 to be entitled an act to amend the patrol laws

No 75 to be entitled an act to authorize the issue of Treasury warrants of various denominations

No 76 to be entitled an act to repeal Section 28 of chapter 154 of the digest of the state of Arkansas so far as relates to Sevier county

No 77 to be entitled an act to constitute the county Treasurer of Perry county ex officio Internal improvement commissioner

No 78 to be entitled an act to create the office of Assessor for the counties of Drew Jefferson, Columbia & Calhoun

No 79 to be entitled an act to constitute Sarah Eliza Stiness the legal and sole heir of Daniel Tenney of Van Buren county Arkansas

All of which are herewith transmitted for the action of your honorable body asked

is respectfully asked

The House has adopted a Memorial to the Congressional Congress praying for such changes in the existing law in relation to manner and employment of persons in Military departments subject to said act which is herewith transmitted for the concurrence of your honorable body which is respectfully asked

The House has passed Senate bill No 12 entitled an act to amend Chapter 147 of the digest concerning county revenue: which is herewith returned

The House has amended Senate bill No 11 to be entitled an act to amend Chapter 17 of the digest of the statutes of Arkansas which is herewith returned for the concurrence of your honorable body

The House has rejected Senate bill No 5 entitled an act to amend chapter 29 of the digest in relation to charge tickets: which is herewith returned

A. M. Woodruff
Clerk H of Rep

On motion of Mr Stillwell the refusal of the Senate to concur in House amendment to Senate amendment to House bill No 56 entitled An act to pay the Secretary of State, Auditor and Treasurer each a specified salary" was reconsidered, and the Secretary directed to request the return of the same from the House.

On motion of Mr Pallard the refusal of the Senate to concur in House amendment to Senate amendment to House bill No 6 entitled An act for the relief of persons holding mortgaged property" was reconsidered and the Secretary directed to request the return of the same from the House.

The introduction of bills was in order.

No 52 Mr Hunt introduced Senate bill to be entitled an act to repeal an act to prevent the distillation of grain into spirituous liquors approved March 19 1862; which was read the first time.

On motion of Mr Hunt the rules were suspended the bill read the second time, by title, and referred to the committee on Agriculture

Mr Stillwell introduced Senate bill to be

entitled An act for the more effectual punish-
No 53 ment of slaves for arson larceny &c.

Read the first time.

On motion of Mr Stillwell the rules were suspended the bill read the second time and referred to the committee on Judiciary.

Mr Wallace introduced Senate bill to be
No 54 entitled An act to repeal an act entitled An Act to remove the free negroes and mulattoes from this state; which was read the first time

On motion of Mr Wallace the rules suspended the bill read the second time & title and referred to the committee on ways & means.

Mr Sherwood from the committee on the Penitentiary made the following report:

Mr President

The committee on the Penitentiary to whom was referred Assembly first resolution concerning the confinement and labor of persons in the Penitentiary who are not convicted by Judicial tribunals have had the same under consideration and instruct me to report the same back to the senate and recommend its adoption

Sherwood Chairman—

Report received, and the resolution read and concurred in by the Senate.

On motion of Mr Stillwell the Secretary was directed to return to the House, Senate bill No 17 to be entitled An act to regulate proceedings under Chapter 170 of the Digest, as requested on Friday last.

The hour having arrived for special order Senate bill No 42 to be entitled An act to encourage the manufacture of salt, iron and cotton cards the same was taken up and read for information

On motion of Mr Hallenbeck the bill was read the third time and passed.

Message from the House of Representatives by the clerk:

Mr President

I am instructed to inform your honorable body that the House has directed me to return Senate bill No 6 entitled An act for the relief of persons holding encumbered & insolvent

and House bill No 56 entitled an act to pay the Secretary of State, Auditor and Treasurer each a specified salary, with objections thereunto attached as requested by your honorable body

A M Woodruff
Clk Pro Tem of Senate

Mr Williams introduced Senate bill to be entitled
No 55 An act to make certain free negroes amenable to state laws for life; which was read the first time.

On motion of Mr Williams the rules were suspended the bill read the second time by title & referred to the committee on Judiciary.

Mr Williams introduced Senate bill to be enti-
No 56 tled an act for the relief of Lafayette county; which was read the first time.

On motion of Mr Williams the rules were suspended the bill read the second time by title and referred to the committee on ~~Judiciary~~ Agriculture.

On motion of Mr Hunt the amendment of the House to Senate amendment to House bill No 56 entitled an act to pay the Secretary of State Auditor and Treasurer each a specified salary was taken up

Mr Van Patten moved to recommit the bill and amendment to the committee on Ways & Means which motion was lost

Thereupon on motion of Mr Hunt said amendment was concurred in by the Senate

On motion of Mr Stillwell House amendment to Senate amendment to House bill No 6 entitled an act for the relief of freeholders mortgaged property was taken up and

On his further motion the bill and amendment was recommitted to the committee on Judiciary

Mr Sherman from the committee on the penitentiary made the following report Mr President

The committee on the penitentiary to whom was referred Senate bill No 47 to be entitled an act to prevent convicts of the penitentiary from laboring on farms have had the same under consideration

and have instructed me to report the same back to the Senate and recommend its passage.

Sherman Chairman

On motion of Mr Stillwell the bill was read the third time and passed

House bills ordered up

House bill No 1 to be entitled an act to provide for the issue of change tickets was read the first time now

On motion of Mr Bunch the rules were suspended the bill read the second time and referred to the committee on judiciary

H Bill No 32 to be entitled an act for the relief of certain persons in the State of Arkansas was read the first time

On motion of Mr Dodson ~~Pollard~~ the rules were suspended ~~the bill read~~ the second time by title and on motion of Mr Pollard referred to the committee on Ways & Means

H Bill No 67 to be entitled an act to confer jurisdiction on justices of the peace in actions ex delicto and for other purposes was read the first time

On motion of Mr Davis the rules were suspended the bill read the second time by title and on motion of Mr Clark referred to the committee on judiciary

H Bill No 68 to be entitled an act to amend the patrol laws was read the first time

On motion of Mr Belser the rules were suspended the bill read the second time by title

Mr Williams offered to amend with an additional section thus

Be it further enacted that all persons within the ages aforesaid not otherwise exempted shall be liable to road duty under the same regulations as now provided by law for persons between the ages of sixteen and forty-five years

which amendment was read and adopted

On motion of Mr Bunch, the rules were further suspended the bill

~~[illegible]~~ read the third time as amended and passed

H Bill No 75 - to be entitled an act authorizing the issue of treasury warrants of various denominations was read the first time

On motion of Mr Pollard the rules were suspended the bill read the second time and on motion of Mr Trimble referred to the committee on judiciary

H Bill No 76 to be entitled - an act to repeal Section 28 of Chapter 154 of the digest of the statutes of the state of Arkansas so far as it relates to Sevier county was read the first time

On motion of Mr Williams the rules were twice suspended the bill read the second & third times by title and passed

H Bill No 78 to be entitled an act to create the office of assessor in the counties of Drew Jefferson, Columbia & Calhoun was read the first time

On motion of Mr Whitfield the rules were twice suspended the bill read the second & third times by title and passed

H Bill No 79 to be entitled an act to constitute Sarah Elizabeth Stevens the legal & sole heir of Daniel Lacey of Van Buren county state of Arkansas was read the first time

On motion of Mr Trimble the rules were suspended the bill read the second time by title and on motion of Mr Belcher the rules were further suspended the bill read the third time and passed

House bill No 77 to be entitled an act to constitute the county treasurer of Perry county Ex-officio Internal Improvement Commissioner was read the first time

On motion of Mr Hunt the rules were twice suspended the bill read the second and third times by title and passed.

The following House amendment to Senate bill No 10 entitled an act to amend Chap 17 of the Digest of the Statutes of Arkansas was read and on motion of Mr Williams concurred in:

Sec 3 That the provisions of this act extend to actions by attachment before justices of the peace

House Memorial to the Senate and House of Representatives of the Confederate States for an amendment of the Conscript law in order that none but persons over the age for Military service or otherwise exempt shall be exempted to stay on plantations, was taken up, read and

On motion of Mr. Williams referred to the committee on Militia.

House joint Resolution concerning a mail route from Clarksville to Berryville was taken up and read the second time.

Mr Bunch offered to amend said resolution as follows Viz

Strike out all after the word whereas and insert the following — Mail route C V. from Clarksville Ark via of Whitely tunnel at Crag Ark Therefore

Resolved — That the General Assembly of the state of Arkansas That our Senators in Congress be instructed and our Representatives be requested to use their influence to procure the extension of the new circuit route to Berryville Arkansas

Which resolution was read and, (the amendment having been adopted) concurred in as amended.

H Bill No 44 to be entitled an act to confirm title to certain lands was read the second time & on motion of Mr Clark referred to the committee on Ways & Means

H Bill No 16 to be entitled an act in relation to the revenue laws of this state was taken up (read) the third time & on motion of Mr Stillwell indefinitely postponed

House resolution tendering the thanks of the General Assembly to John P. Bush ~~was~~ of Dallas county for distinguished military services rendered at the battle of Oak Hills was taken up and read the second time

Mr Belcher moved to concur in said resolution.

Mr Sherman moved to amend by adding thereto Arch L. Lafferty for similar services.

After some debate the resolution was

on motion of Mr Williams indefinitely postponed.

Substitute Senate bill No 44 entitled an act to extend the provisions of certain laws was taken up and on motion of Mr Belser indefinitely postponed.

Senate bill No 6 to be entitled an act to appropriate the Internal Improvement fund of ——— counties for the relief of destitute families of volunteers was taken up and read for information.

(Stillwell was called to the chair)

On motion of Mr Crosby Pope county was added to the provisions of the bill.

On motion of Mr Branch the county of Newton was added.

On motion of Mr Dodson the counties of Marion and Searcy were added.

On motion of Mr Hallenbeck the counties of Lawrence and Fulton were added.

On motion of Mr Whitfield the counties of Ouachita and Calhoun were added.

On motion of Mr Van Patten the county of Drew was added.

On motion of Mr Crosby the county of Johnson was added.

On motion of Mr Trimble the bill was then read the third time as amended and passed.

On motion of Mr Dodson the Senate took a recess until 2½ o'clock P.M.

At 2½ o'clock P.M. the Senate met.

Roll called.

Present — Messrs Anthony, Belser, Branch, Davis, Dodson, Hampton, Hinch, Leach, Pollard, Sherman, Smith, Stillwell, Van Patten, Wallace, Whitfield and Mr President — 16.

There being no quorum present the Senate on motion of Mr Wallace took a recess of one hour.

At 3½ o'clock P.M. the Senate was called to order by the President.

Roll called.

Present — Messrs Anthony, Belser, Bunch, Clark, Davis, Embry, Hallibrton, Hampton, Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams and Mr President — 20.

Special Order Senate Bill No. 34 entitled An act to fund Arkansas Treasury Warrants, and to authorize a general Banking System was taken up, and the question being on the passage of the same

Messrs Clark, Stillwell and Belser spoke in the affirmative and Messrs Trimble Embry and Pollard in the negative.

At the conclusion of the discussion Mr Hunt called for the yeas and nays on the passage of the bill; which call was sustained and made with the following result:

Vote on the passage of the BANK BILL

Yeas — Messrs Anthony, Belser, Clark, Dodson Leach, Smith, Stillwell, Wallace and Whitfield — 9.

Nays — Messrs Bunch, Davis, Embry, Hallibrton, Hampton, Hunt, Pollard, Sherman, Trimble, Van Patten, Williams and Mr President — 12

So the bill did not pass.

Mr Hallibrton moved to reconsider the vote of Saturday rejecting House bill No. 39 entitled An act to authorize the distillation of grain into spirituous liquors; which motion was lost on a division — 9 in the affirmative and 10 in the negative.

On motion of Mr Hampton the Senate adjourned until 9 O'clock tomorrow morning.

Thos. H. Letcher
President

Thursday November 28, 1862

The Senate convened.

Prayer by Rev Jonas Leech.

Roll called.

Present — Messrs Anthony, Baker, Barnes, Clark, Davis, Dodson, Eastman, Hallinan, Hampton, Hewitt, Leech, Pollard, Sherman, Smith, Stillwell, Trimble, VanPatten, Wallace, Whitfield, Williams and Mr President — 21.

The journal of yesterday was read, approved and signed.

Message from the House of Representatives by the clerk:

Mr President —

I am instructed to inform your honorable body that the House has passed the following House bills

H Bill No 30 to be entitled an act to change the time of holding the circuit courts in the 3d judicial district

No 81 to be entitled an act for the relief of the sheriff of Washington county.

No 84 to be entitled an act supplementary to an act to provide for the election of assessors in Columbia county

No 86 to be entitled an act to prevent the sale of ardent spirits within two miles of Paradise academy which may result to the prejudice of the present or future interest of said academy

The House has concurred in Senate amendments to House bill No 12 entitled an act amendatory to an act to prevent the distillation of grain — No 26 an act to prevent setting prairies on fire" — No 34 an act fixing the time of the election of members of Congress of the Confederate States No 42 an act to suspend the sunrise land office of this state — No 63 an act for the relief of Christopher & Lucy Thompson of Scott County — No 65 an act to extend the limits and amend the charter of the town of Monticello

The House has receded from 4th amendment and insists on the 2nd to Senate bill No 7 entitled an act to amend the revenue laws and as requested by the Senate have appointed

as a committee of conference on the part of the House Messrs Neal, Howell & Lowry — said bill is herewith returned

The House has concurred in Senate amendment to House joint resolution to go into the election of State printer on Wednesday next at 3 O'clock P.M.

The House has adopted the following resolution viz,

Resolved by the General Assembly of the State of Arkansas that the Secretary of State furnish each member of this General Assembly with one bound copy of the recent Geological reports of Dr Owen and that he distribute the remaining volumes (except fifty for the use of the state) to the several counties in this state in proportion to their representation.

The House has amended and as amended passed Senate bill No 37 entitled an act for the relief of certain collectors of revenue, which is herewith returned for the concurrence of your honorable body, which is respectfully asked.

The House has concurred to the following senate bills

S Bill No 19 entitled an act to amend the charter of the town of Fort Smith

No 22 entitled an act to amend chapter 40 of the digest under the head of Courts

No 29 entitled an act for the relief of A S Lockett

No 37 entitled an act for the relief of the clerk of Sebastian county, which are herewith returned

The House has concurred in Senate joint resolution to ascertain whether a suitable residence for the Governor can be obtained. The committee on the part of the House are

Messrs Pennington, Martin, & Potter,

The House has also concurred in Senate joint resolution relating to the cancellation of war bonds, Drawing warrants

authorizing to authorize state lands to enhance state bank lands

Also Senate joint resolution concerning the purchase and transportation of articles of clothing &c to the Trans-Mississippi district

Also Senate joint resolution touching the carpets of the state House to the Secretary authorization for the use of the soldiers

All of which are herewith returned

The House has amended Senate joint resolution relating to the payment of Lieut Colonel Moores Battalion which is herewith returned for the concurrence of your honorable body which is respectfully asked

The House has rejected Senate joint resolution concerning the publication of the acts of the present session of the General Assembly in the newspapers of the city of Little Rock; which is herewith returned

A M Woodruff
Clerk Hog Rep

Motions and resolutions were in order

Mr Stillwell offered the following resolution

Whereas certain citizens of the State of Arkansas hold valid claims for services rendered in reclaiming the swamp and overflowed lands which cannot be adjusted and paid under existing laws therefore

Resolved – That the committee on Swamp and overflowed lands be instructed to take the subject under consideration and to report a bill providing for the payment of such claims

Which was read and on his motion adopted

Reports of Standing committees in order

Mr Hampton from the committee on ways and means made the following report

Mr President

The committee on Ways & Means to whom was referred House bill No 33 to be entitled an act to suspend the revenue laws of this state and for other purposes have had the same under consideration and I am instructed to report the same

back amended by striking out all after the enacting clause and inserting the accompanying amendment in lieu thereof and as amended to recommend its passage

Hampton Chairman

Which was read and received and on motion of Mr Hampton the amendment adopted — & at request of Mr Stillwell the bill took its course under the rules

Message from the House of Representatives by the clerk

Mr President

I am instructed to inform your honorable body that the House have passed House bill No 88 to be entitled an act for the relief of indigent families of Soldiers; which is herewith transmitted for the concurrence of your honorable body which is respectfully asked

G M Woodruff
Clerk H of Rep

Mr Hampton from the committee on Ways & Means made the following report

Mr President

The committee on ways & Means to whom was referred House bill No 66 to be entitled an act to enable certain free negroes and Mulattoes to pay their debts have had the same under consideration and I am instructed to report the same back and recommend its rejection

The same committee to which was referred Senate Bill No 54 to be entitled an act to repeal an act to remove the free negroes and Mulattoes from the State have had the same under consideration and I am instructed to report the same back and recommend its passage

Hampton Chairman

On motion of Mr Hampton Senate bill No 54 entitled an act to repeal an act to remove the free negroes and Mulattoes from the State was read the third time and passed &

House bill No 66 to be entitled an

act to enable certain free negroes and mulattoes to pay their debts was ordered to take its place on the calendar

Mr Hampton further from said committee made the following report

Mr President

The committee on ways and means to whom was referred House Bill No 72 to be entitled an act for the relief of the late sheriffs and collectors of the different counties in this state have had the same under consideration and I am instructed to report the same back and recommend its passage

Hampton Chairman

Which was received and ordered

On motion of Mr Hampton the bill was read the third time and passed

Mr Clark from the committee on judiciary made the following report

Mr President

The judiciary committee have had under consideration Senate Bill No 55 to be entitled an act to make certain free negroes now in this state slaves for life back to the Senate with the following amendment and as amended to recommend its passage

Clark Chairman

Amend by adding the following section

"That the minor children of Julia a slave the property of Elisha Moore be and they are hereby declared slaves for life and the property of said Elisha Moore

which report was received and

On motion of Mr Clark the amendment adopted

On motion of Mr Williams the bill was read the third time as amended and passed

Mr Clark further from said committee made the following report

Mr President

The judiciary committee have had under consideration House bills No 23 to be entitled an act to prevent the carrying of "executions & No 64 to be entitled an act for the relief of

Giles H Kelly and to declare him of age and competent to receive his property and Senate bill No 53 to be entitled an act for the more effectual punishment of slaves for arson larceny &c and Senate Bill No 44 to be entitled an act to amend the law in regard to attachments and have instructed me to report said bills back to the Senate and recommend their passage

Clark Chairman

Which report was read and received

On motion of Mr Clark Senate bill No 53, to entitled "an act for the more effectual punishment of slaves for arson larceny &c" was read the third time and passed

House bill No 23 to be entitled an act to prevent the issuing of executions was read for information

Mr Sherman offered the following amendment

Provided further that nothing in this act shall be so construed as to prevent the collection of any debt under execution as now by law directed in Confederate treasury notes War bonds or Cockarnes treasury warrants whether the obligation was given for specie or any other funds and the person owing the debt is not in the service of the Confederate State army

And the question being stated upon its adoption, Mr Whitfield called for the yeas & nays

Resulted and ordered

Yeas Messrs — Burch, Davis, Sherman, Stillwell and Trimble — 5

Nays Messrs — Anthony, Belser, Clark, Dodson, Embry, Halliburton, Hampton, Hunt, Lech, Pollard, Smith, Van Patten, Wallace, Whitfield, Williams, & Mr President — 16

So the amendment was not adopted

On motion of Mr Clark the bill was read the third time and the question being stated on its passage Mr Lech called for the yeas & nays — resulted and ordered

Yeas Messrs — Anthony, Belser, Clark, Davis, Dodson, Embry, Halliburton, Hampton, Hunt, Lech, Pollard, Smith, Trimble, Van Patten

Wallace, Whitfield, Williams, & Mr President - 18

Nays - Messrs - Bunch, Sherman & Stillwell - 3

So the bill passed

On motion of Mr Smith. H Bill No 44 to be entitled an act for the relief of Giles R Kelly & to declare him of age and competent to receive his property was read the third time and passed

On motion of Mr Clark Senate Bill No 44 to be entitled an act to amend the law in regard to attachments. was read the third time and passed

Mr Stillwell from the committee on claims made the following report

Mr President

The committee on claims have considered House bill No 73 to be entitled an act for the relief of David A Stewart and have instructed me to recommend its passage

Stillwell chairman

Read and recommit

On motion of Mr Stillwell the bill was read the third time and passed

Mr Stillwell further from said committee made the following report.

Mr President

The committee on claims have considered Senate bill No 35 to be entitled an act for the relief of Lafayette county and instructed me to report the same back and recommend its repeal

Stillwell Chairman

Which was read and on motion of Mr Stillwell adopted and the bill thereby repealed.

Mr Stillwell further from said committee made the following report

Mr President

The committee on claims have considered Senate Bill No 49 to be entitled an act defining the duties of the Military Board and have instructed me to recommend its repeal

Stillwell chairman

Which was read and on motion of Mr. Stillwell adopted & the bill thereby repealed

Mr. Stillwell further from said committee

made the following report
Mr President

The committee on claims have considered Senate Bill No 38 to be entitled an act for the relief of Caleb Langston as special commissioner under act of the General Assembly approved November 18th 1861 and have instructed me to recommend its passage with an amendment herewith submitted

Stillwell Chairman

Strike out all after the 4th line of section 1 and insert in lieu thereof the following

"The Governor is hereby directed to order the Auditor to issue his warrant on the Treasurer for that sum in favor of the said Caleb Langston whenever the report of the said Langston is filed in the executive office

Which was read and on motion of Mr Stillwell the amendment adopted

On motion of Mr Stillwell the bill was read the third time as amended and passed

Mr Stillwell further from said committee made the following report
Mr President

The committee on claims have considered Senate bill No 50 to be entitled an act for the relief of Nathan Dreier of Madison county Ohio and have instructed me to recommend its passage

Stillwell Chairman

Which was read and received an

On motion of Mr Trimble the bill read the third time and passed

Mr Anthony from the committee on agriculture made the following report
Mr President

The committee on agriculture to which was referred Senate bill No 56 to be entitled an act for the relief of Lafayette County have had the same under consideration and have instructed

me to report the same back to the Senate and recommend its rejection

Anthony chairman

which report was read and on motion of Mr Clark adopted & the bill thereby rejected

Mr Anthony further from said committee made the following report

Mr President

The committee on agriculture to whom was referred Senate Bill No 52 to be entitled an act to repeal an act to prevent the distillation of grain into spirituous liquors have had the same under consideration and a majority of said committee have instructed me to report the same back with sundry petitions which have come to the hands of said committee and recommend its passage

Anthony Chairman

which was read and ruled

On motion of Mr Hunt the bill was read the third time

Mr Belser moved to refer the bill to a special committee

Mr Trimble moved to postpone indefinitely

The question being stated on Mr Belser's motion it was decided in the affirmative on a division 12 affirmative 8 negative

Mr President appointed as such committee Messrs Belser, Embry, Pollard, Halliburton, & Hunt

Mr Pollard from the committee on ways & means made the following report

Mr President

The committee on ways & means to whom was referred House Bill No 85 to be entitled an act to amend the revenue laws of the State of Arkansas have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage

Pollard Chairman

which was read and ruled

On motion of Mr Clark the bill was read the third time and rejected on a division — affirmative 9 — negative 12 —

Mr Davis from the committee of ways and means to which was referred Senate bill No 15 – to be entitled an act to suspend the revenue laws reported that the committee had the same under consideration and had instructed him to report the same back to the Senate and recommend its rejection

Davis chairman

which was read and postponed for the present

Mr Clark from the committee on judiciary made the following report Mr President

The judiciary committee have instructed me to report the accompanying substitute for Senate bill No 33 to be entitled an act in relation to the dower of widows and recommend its passage

Clark Chairman

which was read and received and on motion of Mr Hampton the substitute adopted in lieu of the original bill

On motion of Mr Hampton the bill was read the third time and passed

On motion of Mr Halliburton the passage and third reading of Senate Bill No 42 to be entitled an act to encourage the manufacture of silk, flax, & Cotton Cards was reconsidered & on his further motion recommitted to the joint select Committee from which it was reported

Mr Stillwell on leave introduced Senate bill to be entitled an act to prevent the giving aid and comfort to the enemy

Read the first time

On motion of Mr Stillwell the rules were twice suspended & the bill read the second and third times

Mr Belden moved to commit the bill to the committee on judiciary pending which

Mr Anthony moved to adjourn until tomorrow morning 9 o'clock which motion was lost

SBill 33

No 57

Mr Van Patten moved to adjourn until this evening 3 O'clock which motion was lost

The question was then stated on Mr Bekes motion to commit which was also lost

Mr Van Patten moved to refer the bill to a special committee to report at 9 O'clock tomorrow morning which motion was lost

After some discussion the bill was ordered to lie on the table and made the special order for tomorrow 10 O'clock AM

On motion of Mr Hunt the Senate adjourned until tomorrow morning 9 O'clock

Jno. H. Ketcham
President

Wednesday Nov 26th 1862

The Senate met

Prayer by the Revd J. C. Wallace

Roll called

Present Messrs — Anthony, Bekes, Bunch, Clark Davis, Dodson, Emby, Halliburton, Hampton, Hunt, Leech, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams, and Mr President = 21

The journal of yesterday was read approved and signed

Message from the House of Representatives by the clerk

Mr President

I am instructed to inform your honorable body that the House has passed House bill No 49 to be entitled an act to establish the office of Internal improvement commissioner of the county of Morris & for other purposes which is herewith transmitted for the action of your honorable body which is respectfully asked

The House has concurred in Senate amendment to House joint resolution relative to the extension of inwait street to Bourgville

The House has concurred to Senate bill No 47 entitled an act to prevent convicts of the Penitentiary from labouring on farms which is herewith returned

The House has concurred to and concurred Senate bill No 28 to be entitled an act to repeal Sections 1, 5, 6, 7, 8, & 9 of chapter 106 of the digest of the statutes of the state of Arkansas

Also S.B. No 6 to be entitled an act to appropriate the internal improvement fund of ——— counties for the relief of the destitute families of volunteers

Which bills with amendments attached are herewith returned for the concurrence of your honorable body which is respectfully asked

C M Woodruff
Clerk H. of Reps

(Motions & Resolutions in order)

On motion of Mr Bunch House amendment to Senate joint resolution relative to the payment of accounts of Lieut J S Morris battalion was taken up read & concurred in by the Senate

On motion of Mr Hampton the rejection of House bill No 35 to be entitled an act to amend the revenue laws of the state of Arkansas was reconsidered & the bill took its place on the calendar

On motion of Mr Anthony House bill No 88 to be entitled an act for the relief of indigent & needy families of soldiers was taken up & read the first time

On motion of Mr Clark the rules were suspended & the bill read the second time.

On motion of Mr Stillwell the bill with Senate bill No 24 to be entitled an act for the relief of needy families of soldiers in this state were referred to the committee on judiciary

Message from the Governor

Mr President

I am instructed by the Governor to inform your honorable body that on the 24th day of November 1862 he approved and signed an act for the relief of the families of the western frontier counties

who are destitute of bread stuffs

Apr 26th 1862

Wm Markham

Mr Conley was called to chair Presents Secy

Reports from Standing committees in order

Mr Van Patten from the committee on internal improvement made the following report

Mr President

The committee on internal improvement to whom was referred Senate bill No 48 to be entitled an act to repeal all laws declaring Bayou Bartholomew a navigable stream above a certain point have had the same under consideration and have instructed me to report the same back to the senate and recommend its rejection.

They have also directed me to report the accompanying bill to be entitled an act authorizing the County Court of Drew county to construct a bridge and recommend its passage

Van Patten Chairman

Read and adopted. Senate bill No 48 thereof reported

The bill reported by said committee to be entitled an act to authorize the county court of Drew county to construct a bridge was read the first time

On motion of Mr Van Patten the rules were twice suspended the bill read the second & third times and passed on a division affirmative 10 negative 8 Mr Belser explained & Mr Brandon explained his vote

Mr Busch from the committee on Public printing made the following report

Mr President

The committee on public printing to which was referred a resolution directing an enquiry into the amount paid for printing and preparing new bonds and treasury warrants to whom paid and with instruction to report by bill or otherwise have examined the matters referred to and a majority of said committee instruct me to report

The first payment on account of printing and preparing was on the 8th day of July 1861 and from that to the 30th day of September 1862 a period

of fifteen months the enormous sum of $34,865.53 was expended for that purpose. Taking the number of bonds and warrants issued up to that time we find that the average cost of printing and preparing them was a fraction over 14 cents each

As to whether the work was done at the prices fixed by law and the matters connected with the purchase of plates the committee respectfully refer you to the accompanying tables as per auditors books

The amount paid to Johnson & Yerkes for printing warrants was 1130.00 and to this must be added $455.00 for bank note paper purchased at Nashville for the treasurer making a total of $1605.00. There was paid to J. C. Butler for printing bonds and war bonds, for plates &c the sum of $9317.19 to which add $350.00 for paper bought for the treasurer making a total of 9667.19 these two accounts added together make a total of $11272.19 paid for printing war bonds and treasury warrants furnishing paper &c the remaining $23592.24 has been paid treasurer fees for preparing war bonds & Treasury warrants Clerks Hire Servant hire &c which is herewith presented as a part of this report —

Date 1861		To whom paid	Amount		On what account
July	8	Am. Telegraph Co.	$ 23	45	For Telegraph despatches received & sent by State Treasurer
"	24	John Pope	337	90	" expenses incurred in arranging to have War bonds printed.
Aug.	1	Johnson & Yerkes	180	00	" printing 500 copies interest tables for use of Treasurer & for printing 1000 Treasury warrants
"	3	L. C. Baker	8	20	" Telegraph dispatch sent by the Treasurer on account of preparing War bonds
"	9	Arnold Lyberg	18	00	" Services as clerk in assisting to prepare War Bonds, 9 days @ 2$.
"	13	James D. Butler	8	50	" Freight and charges on 3 cases of wick, per certificate of Treasurer
"	19	C. F. Chamberlain	546	45	" Bill of paper furnished the State, per certificate of the Treasurer.
"	29	A. W. Mapsey	20	00	" Services in assisting Treasurer to prepare War bonds.
"	"	O. Bastrain	1500	00	" issuing 15000 War bonds, @ 10 cts. each.
"	31	J. P. Jones	73	32	" services in assisting Treasurer to prepare War bonds.
"	"	W. A. Martin	133	33	" " " " " " " " "
"	"	A. S. Quindley	17	50	" " " " " " " " "
"	"	R. W. Stevenson	43	90	" " " " " " " " "
"	"	Jacob Ash	19	70	" " " " " " " " "
Sept.	14	J. E. Reardon	99	00	" Bill of Stationery furnished Treasurer, per certificate of Treasurer
"	27	J. D. Butler	1800	00	" Printing 5000 War bonds, in two colors, making 100000 impressions
"	30	A. J. Quindley	66	66	" Services in assisting Treasurer to prepare War bonds.
"	"	N. F. Skelton	24	42	" " " " " " " "

Date		To whom paid	Amount		On what account
1861		Amount forward			
Sept.	30	F. S. Williams	28	00	For services in assisting Treasurer to prepare War Bonds
"	"	A. F. Woodard	30	00	" " " " " " " " "
"	"	R. W. Stevenson	66	66	" " " " " " " " "
"	"	John P. Jones	66	66	" " " " " " " " "
"	"	O. Basham	2,600	00	" issuing 26000 War Bonds @ 10 cts each
"	30	W. A. Martin	66	66	" services in assisting Treasurer to prepare War Bonds
"	"	J Ash	66	66	" " " " " " " " "
Oct.	25	O. Basham	2000	00	" issuing 20000 War Bonds @ 10 cts. each
"	"	N. Skelton	55	55	" Services in assisting Treasurer to prepare War Bonds
"	"	A. J. Quindley	55	55	" " " " " " " " "
"	26	J. P. Jones	55	55	" " " " " " " " "
"	"	F. S. Williams	55	55	" " " " " " " " "
"	"	A. F. Woodard	55	55	" " " " " " " " "
"	"	R. W. Stevenson	55	55	" " " " " " " " "
"	31	J Ash	66	66	" " " " " " " " "
Nov.	2	James D. Butler	600	00	" printing 16667 War Bonds, 33,333 impressions
"	"	N. D. Skelton	11	12	" Assisting Treasurer to prepare War Bonds
"	5	F. S. Williams	10	00	" " " " " " "
"	11	F. S. Williams	12	00	" " " " " " "
"	30	R. W. Stevenson	66	66	" " " " " " "
"	"	W. R. Parish	66	66	" " " " " " "
"	"	A. C. Stillwell	55	55	" " " " " " "
"	"	J. Ash	48	88	" " " " " " "
"	"	A. F. Woodard	66	66	" " " " " " "
"	"	A. J. Quindley	77	75	" " " " " " "
Dec	3	Johnson & Yerkes	240	00	" printing 120 quires of Treasury Warrants
"	5	James D. Butler	600	00	" " 16,667 War Bonds, making 33333 1/3 impressions
"	12	F. S. Williams	13	33	" Services in assisting Treasurer to prepare War Bonds & Treas. Wts.
"	13	W. R. Parish	24	75	" " " " " " " " " " "
"	30	D. A. Shields & Co	858	50	" 104 1/2 Reams paper @ 8 $, Boxing and insurance
"	31	A. F. Woodard	66	66	" assisting the Treasurer to prepare War Bonds & Treasury Warrants
1862 Jan'y	6	R. W. Stevenson	66	66	" " " " " " " " " "
"	"	I. I. Means	33	07	" " " " " " " " " "
"	"	F. S. Williams	35	36	" " " " " " " " " "
"	7	A. C. Stillwell	66	66	" " " " " " " " " "
"	"	Jacob Ash	66	66	" " " " " " " " " "
"	8	P. M. Benham	33	33	" " " " " " " " " "
"	"	Jno. E. Reardon	105	35	" Bill of books, Stationery &c. per certificate of Treasurer
"	"	Ark Telegraph Co	3	55	" Amt. of bill for Telegraphing by the Treasurer
"	28	James A. Martin	8	50	" " paid for draft for Shields & Co to pay for paper
"	"	O. Basham	4044	40	" issuing 37,577 War Bonds + 2867 Treasury Warrants @ 10 cts each
"	29	James A. Martin	35	00	" hire of older boy in assisting to prepare War bonds
"	31	R. W. Stevenson	50	00	" assisting Treasurer to prepare War Bonds & Treasury Warrants

Date 1862		To whom paid	Amount	On what account
Jany	31	A. F. Howard	66 66	For assisting the Treasurer to prepare War bonds & T. Warrants
"	"	A. C. Stillwell	66 66	" " " " " "
Feby	1	J. J. Mears	11 00	" " " " " "
	"	A. S. Slaughter	100 00	" " " " " "
	"	W. W. Reyburn	44 00	" " " " " "
	"	F. Williams	13 35	" " " " " "
	"	William A. Martin	180 00	" " " " " "
	5	Jacob Ash	66 66	" " " " " "
	"	Johnson & Yerkes	850 00	" printing 425 quires Treasury Warrants
	7	James D. Butler	892 65	" " 20629 War Bonds (41258 impressions
	11	J. A. Slaughter	22 22	" assisting the Treasurer to prepare War Bonds & T. Warrants
	13	A. I. Ward	30 00	" 10 Metal plates for printing Treasurer name on Coupons
	17	Johnson & Yerkes	495 00	" 11000 sheets Bank note paper at 45$ per M
	20	A. C. Stillwell	44 44	" assisting the Treasurer to prepare War bonds & Treasury Warrants
	24	William A. Martin	26 58	" " " " " "
	26	A. F. Woodard	53 33	" " " " " "
	27	P. M. Benham	129 00	" " " " " "
Mch	1	M & S R Railroad	15 50	" Freight on paper from New Orleans to Little Rock
	"	W W Reyburn	66 66	" assisting Treasurer to prepare War Bonds & Treasury Warrants
	5	Jacob Ash	66 66	" " " " " "
	10	J. W. Woodward	25 00	" " " " " "
	31	A. F. Woodard	55 00	" " " " " "
	"	J. F. Reeside	37 40	" " " " " "
	"	P. M. Benham	66 66	" " " " " "
	"	J. P. Carnes	37 20	" " " " " "
Apr.	3	Jacob Ash	66 66	" " " " " "
"	"	R. W. Stevenson	33 33	" " " " " "
"	7	James W. Moore	33 33	" " " " " "
"	"	W. G. Sherman	26 65	" " " " " "
"	14	Broughton & Hagar	20 00	" 1 Large table for use of Treasurer's office
"	17	Johnson & Yerkes	77 00	" printing for Treasury warrants, 2 books & 70 quires
"	28	R. L. Goodrich	20 00	" assisting Treasurer to prepare War Bonds & Treasury Warrants
"	30	J. P. Karnes	33 00	" " " " " " " " " "
"	"	Joseph F. Reeside	66 66	" " " " " " " " " "
"	"	P. M. Benham	66 66	" " " " " " " " " "
"	"	J. P. Walton	52 75	" " " " " " " " " "
"	"	A. F. Woodard	66 66	" " " " " " " " " "
"	"	G. Carpenter	108 46	" " " " " " " " " "
"	"	O. Basham	814 40	" issuing 8144 Treasury warrants at 10 cts each
"	"	Mrs. A. Cohen	40 00	" assisting Treasurer to prepare Treasury warrants & War Bonds
"	"	Jas. A. Martin	105 00	" amt. paid several ladies engaged in trimming Treasury warrants
"	"	Randolph Mills	42 00	" assisting Treasurer to prepare War Bonds & Treasury warrants.

Date 1862		To whom paid	Amount	On what account
May	1	R. W. Stevenson	22 22	For assisting Treasurer to prepare War Bonds & Treasury warrants
"	6	Jacob Ach	93 33	" " " " " " "
"	"	A. J. Woodard	13 20	" " " " " " "
"	"	P. M. Benham	13 33	" " " " " " "
"	"	J. D. Butler	2500 00	" printing 69449 engraved Treasury warrants 138898 impressions
"	"	J. D. Butler	2000 00	" 32 engraved metal plates for Treasury Warrants & 6 wood plates
"	7	George E. Dodge	37 50	" assisting Treasurer to prepare War Bonds & Treasury Warrants
"	"	L. P. Watson	13 20	" " " " " " " "
June	7	Joseph Z. Reside	66 66	" " " " " " " "
"	"	John B. Ham	73 32	" " " " " " " "
"	8	F. Carpenter	13 20	" " " " " " " "
"	30	James D. Butler	1269 14	" printing 35254 Treasury warrants each two impressions
July	1	Joseph Z. Reside	66 66	" assisting Treasurer to prepare Treasury warrants &c.
"	"	John E. Reardon	12 35	" Stationery & for stitching Treasury warrants
"	"	Joseph Z. Reside	4 00	" assisting Treasurer to prepare Treasury warrants &c.
"	2	John B. Ham	66 66	" " " " " " "
"	4	John B. McConnell	86 64	" " " " " " "
"	19	General Franklin	30 00	" " " " " " "
Aug.	11	Joseph Z. Reside	66 66	" " " " " " "
"	"	John B. McConnell	66 64	" " " " " " "
"	"	R. L. Goodrich	51 09	" " " " " " "
"	"	Jno. Brisbin	37 77	" " " " " " "
"	"	Jno. B. Ham	66 66	" " " " " " "
July	16	O. Bashaw	5073 80	" issuing 50738 Treasury Warrants
Sep	1	J. Z. Reside	66 66	" assisting Treasurer to prepare Treasury warrants.
"	"	Jno. B. McConnell	66 66	" " " " " " "
"	"	Jno. B. Ham	66 66	" " " " " " "
"	"	Jno. Brisbin	66 66	" " " " " " "
"	"	R. L. Goodrich	66 66	" " " " " " "
"	"		$34,865 53	

over

It will be seen by the foregoing table that the printing of this bonds and treasury warrants has cost the state a large sum besides the paper furnished preparing &c

Your committee are satisfied that one half a cent is enough where the paper is furnished by the treasurer from five to ten warrants can be printed on a sheet and can be rapidly printed all the printer furnishes is ink and press work. Being of this opinion the majority of the committee have instructed me to report a bill fixing the price of printing treasury warrants and recommend its passage

The committee recommend that should it become necessary to procure plates or cuts upon which to engrave notes bonds or warrants for state issues that the treasurer shall procure the same under the direction of the Governor and the same shall belong to the state in charge of the treasurer who shall be responsible for the same and for this end your committee would submit a joint resolution and recommend its adoption

Bunsen chairman

No 58

Mr Pusey then assumed the chair

Which report was read and received

and the accompanying bill to provide for the printing of treasury warrants, read the first time

and the accompanying bill, read the first time

On motion of Mr Bunsen the rules were suspended & the bill ~~was~~ read the second time by title

Mr Williams offered to amend by inserting after the words one half cent the words for such impression; which was adopted

Mr Anthony moved to amend by striking out that part regarding the printing to be let to the lowest bidder which motion was lost

On motion of Mr Bunsen the bill was read the third time and passed

The joint resolution reported by said committee was read the first time

On motion of Mr Bunsen the rules were then suspended the R. & the read

the second and third time and adopted

Mr Ensley from the committee on Militia made the following report

Mr President

The committee on militia to whom was referred the message to senate and House of Representatives in engrossed of the confederate States in relation to the conscript act have had the same under consideration and have instructed me to recommend the non concurrence of the senate therein

Ensley Chairman

which was read and adopted and the message not concurred in

Mr Hampton was called to the chair

Special order Senate bill No 57 to be entitled an act to prevent giving aid and comfort to the enemy was taken up

On motion of Mr Trimble the third reading of said bill was reconsidered

Mr Trimble offered the following amendment to the fourth section

"Provided that this section shall not apply to any portion of our country which is or may be occupied by our mother enemy"

Mr Baker moved to lay the amendment on the table:

After some discussion Mr Trimble withdrew his amendment

Mr Anthony moved to strike out the fourth section, which was lost

On motion of Mr Bunch the bill was read the third time and the question being stated on its passage Mr Anthony called for the yeas & nays — sustained and ordered

Yeas thus — Baker, Bunch, Clark, Davis Dodson, Ensley, Hallibaston, Hampton, Hunt, Leech Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, & the President — 19

Nays — Mr Anthony — 1

so the bill passed

No 59 Mr President on leave introduced Senate bill to be entitled an act to arrange the Senatorial districts and to apportion Representation to the

General Assembly among the counties
Read the first time
On motion of Mr President the
bill was read the second time by title and
referred to the committee on judiciary
No 60 Mr Whitfield on leave introduced
senate bill to be entitled an act to amend
an act entitled an act to incorporate the
merchants & planters insurance company at
Camden approved the 8th of January 1853
Read the first time
On motion of Mr Whitfield the rules
were suspended the bill read the second time
by title and on motion Mr Stillwell the
rules were further suspended the bill
read the third time and passed
On motion the Senate took
recess until 2½ o'clock P.M.

2½ o'clock P.M.
The Senate met
Roll called
Present Messrs - Anthony, Baker, Bunch
Clark, Davis, Dodson, Embry, Halliburton,
Hampton, Hunt, Pollard, Sherman, Smith,
Stillwell, Trimble Van Patten, Wallace,
Whitfield, Williams & Mr President - 20
No 61 Mr Anthony, on leave, introduced
Senate bill to be entitled an act supplemental
to an act passed at the present session
of the General assembly of the state of
Arkansas, entitled an act to establish
the county of ~~Camp~~ Woodruff.
Read the first time
On motion of Mr Anthony the rules
were twice suspended the bill read the 2d & 3d
times, by title, and passed.
Mr Williams made the following report
Mr President
The committee on enrolled bills have
examined Senate bill No 13 entitled an act concerning
the name of the counties; also an act to
establish the county of Woodruff; also an act
to amend Chap 147 of the Digest concerning

County revenue; also an act to amend Chap-
17 of the Digest of the Statutes of Arkansas; also
an act concerning the revenue of the counties;
Also an act for the relief of the clerk of Sebas-
tian county; an act for the relief of A. S.
Lockart; and act to amend Chap 40 of the
Digest under the head of roads; an act to
amend the charter of the city of Fort Smith;
Joint Resolution requiring the Joint committee
on Auditor's & Treasurer's books to cancel &
file warrants issued also Joint resolution lending
the carpets of the State House to the Military
authorities for the soldiers; Also an act to
establish the county of Woodruff

And have this day handed the same together
with an act for the benefit of the widow and minor
heirs of Thomas Pratt late of Columbia county and
an act for the relief of B & Britton & Co to the
Governor for his consideration.

Williams Chairman

Mr Hallimtan from a select committee
to which was recommitted Senate Bill No. 42 entitled
An act to encourage the manufacture of cotton and
cotton cards reported the following amendments to
said bill recommending the passage of the same:

Amend Sec 4 by inserting after the word
"due" the words "with twenty five per centum on
the whole sum".

And also by inserting the words "with interest
and penalty" after the words "money so loaned"
in said section.

Which amendments were severally adopted, and

On motion of Mr Hallimtan the bill was
read the third time and passed as amended.

Mr Wallace made the following report:

Mr President

The committee on swamp and overflowed
lands have had under consideration H Bill
No 14 to be entitled an act to amend an
act to prohibit the further sale of the public
lands of this state and for other purposes
& I have been instructed to report the same
back to the senate and recommend its passage

Wallace chairman

On motion of Mr Clark the bill was read the third time and passed

Mr Wallace further from said committee made the following report

Mr President

The committee on swamp and overflowed lands have had under consideration Senate bill No 3 to be entitled an act to protect the interest and rights of persons holding certificates of preemption to any of the swamp and overflowed lands of this state and have instructed me to report the same back to the senate and recommend its passage

Wallace Chairman

Read and received

On motion of Mr Davis the bill was read the third time and passed

Mr Stillwell from the committee on claims made the following report

Mr President

The committee on claims have considered Senate Bill No 46 to be entitled an act for the relief of John J Thirman late Secretary of State and have instructed me to report the same back and recommend its passage

Stillwell Chairman

which was read & received

On motion of Mr Stillwell the bill was read the third time and passed

Mr Stillwell further from said committee made the following report

Mr President

The committee on claims have considered Senate bill No 40 to be entitled an act for the relief of Elizabeth Hampstead executrix of S H Hampstead deceased and have instructed me to report the same back and recommend its passage

Stillwell chairman

Read & Received

On motion of Mr Stillwell

the bill was read the third time and passed

Mr Stillwell from the committee of conference made the following report Mr President

The committee of conference upon the difference of the two Houses respecting the House 2d amendment to Senate bill entitled an act to amend the revenue laws have instructed me to ~~report~~ recommend that the Senate concur in said House amendment

Stillwell chairman

Which report was read and adopted & the amendment thereby concurred in as follows: Strike out "sold since the first day of January A.D. 1862 or hereafter" in Sec 2 and insert "after the passage of this act.

No 62 Mr Wallace on leave introduced Senate bill to be entitled an act to amend chapter 92 of the digest

Read the first time

Upon motion of Mr Clark the rules were suspended the bill read the second time by title and referred to the committee on judiciary

The introduction of bills was in order

No 63 Mr Stillwell introduced Senate bill to be entitled an act to increase the salary of the Attorney General

Read the first time

Upon motion of Mr Beach the rules were suspended the bill read the second time by title and on motion of Mr Stillwell referred to the committee on judiciary

House bills were ordered up

House bill No 35 to be entitled an act to amend the revenue laws of the state of Nebraska was taken up, and having been read the 3rd time Mr Clark proceeded to speak in favor of its passage, heading which debate the following message from the House of Representatives by the clerk, was received

Mr President

I am instructed to inform your honorable body that the House is

now ready to receive the Senate in their Hall for the purpose of electing a State Printer

A. M. Woodruff
Clerk of House

On motion of Mr Clark the Senate repaired to the hall of the House and being there seated the roll of the Senate was called.

Present Messrs Anthony, Belser, Bunch, Clark, Davis, Dodson, Embry, Hallibrton, Hampton, Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, VanPatten, Wallace Whitfield, Williams and Mr President — 21.

The roll of the House having been called and it appearing that there was a quorum of each present in the convention. Mr President announced the object of the same and declared nominations in order.

Mr Sissel of the House nominated Jas D Butler
Mr Barnes of the House nominated Danley & Holtzman
Mr Moseley of the House nominated Eakin & Etter
Mr Scott of the House nominated Johnson & Yeakes

First Ballot

James D Butler in the Senate	3	in House	21	Total	24
Danley & Holtzman	"	3	"	14	"	17
Eakin & Etter	"	2	"	10	"	12
Johnson & Yeakes	"	13	"	19	"	32

Senators voting for Mr Butler are Messrs Embry Smith and Wallace — 3.

Those voting for Danley & Holtzman are Messrs Hunt, Leach, and Stillwell — 3.

Those voting for Eakin & Etter are Messrs Belser and Williams — 2.

Those voting for Johnson & Yeakes are Messrs Anthony, Bunch, Clark, Davis, Dodson, Hallibrton, Hampton, Pollard Sherman Trimble, VanPatten, Whitfield & Mr President — 13.

In the House Mr Neal voted for Mr Coleman.

Second Ballot

James D Butler in Senate	2	in House	25	—	27
Danley & Holtzman	"	5	"	11	— 16
Eakin & Etter	"	2	"	10	— 12
Johnson & Yeakes	"	12	"	19	— 31

The Senate voted as follows
For James D Butler
Mesrs Conley & Smith — 2.
For Danley & Holtzman
Mesrs Davis, Hunt, Leach, Stillwell and Wallace — 5.
For Eakin & Etter
Mesrs Belser and Williams — 2.
For Johnson & Yerkes
Mesrs Anthony, Bunch, Clark, Gordon, Halliburton, Hampton, Pollard, Sherman, Trimble, Van Patten, Whitfield and Mr President — 12.

Third Ballot

James D Butler	in Senate	2.	in House	24	— 26
Danley & Holtzman	"	4	"	11	— 15
Eakin & Etter	"	3	"	11	— 14
Johnson & Yerkes	"	12	"	19	— 31

The Senate voted as follows:
For James D Butler
Mesrs Conley & Smith — 2.
For Danley & Holtzman
Mesrs Davis, Hunt, Leach and Wallace — 4.
For Eakin & Etter
Mesrs Belser, Stillwell and Williams — 3.
For Johnson & Yerkes
Mesrs Anthony, Bunch, Clark, Gordon Halliburton Hampton, Pollard Sherman, Trimble, Van Patten, Whitfield and Mr President — 12

Fourth Ballot

James D Butler	in Senate	3	in House	24	— 27
Danley & Holtzman	"	1	"	10	— 11
Eakin & Etter	"	4	"	11	— 15
Johnson & Yerkes	"	13	"	20	— 33

The Senate voted as follows
For James D. Butler
Mesrs Conley Hunt & Wallace — 3.
For Danley & Holtzman — Mr Leach — 1
For Eakin & Etter
Mesrs Belser, Smith, Stillwell and Williams — 4.

For Mr Johnson & Yerkes
Messrs Anthony, Bunch, Clark, Davis, Dodson, Hallinston, Hampton, Pollard, Sherman, Trimble, Van Patten Whitfield & Mr President — 13.
Mr Barnes withdrew Dailey & Holtzman.

Fifth Ballot.

For James D Butler in Senate 3 in House 26 — 29
Eakin & Etter " 5 " 17 — 22
Johnson & Yerkes " 13 " 21 — 34
The Senate voted as follows
For Mr Butler
Messrs Dailey Hunt & Wallace — 3.
For Eakin & Etter
Messrs Belser, Leech, Smith, Stillwell and Williams — 5.
For Johnson & Yerkes
Messrs Anthony, Bunch, Clark, Davis Dodson, Hallinston, Hampton, Pollard, Sherman Trimble, Van Patten, Whitfield & Mr President — 13

Sixth Ballot.

For James D. Butler in Senate 3 in House 26 — 29.
Eakin & Etter " 5 " 16 — 21.
Johnson & Yerkes " 13 " 22 — 35
The Senate voted as follows:
For Mr Butler
Messrs Dailey, Hunt and Wallace — 3.
For Eakin & Etter
Messrs Belser, Leech, Smith, Stillwell & Williams — 5
For Johnson & Yerkes
Messrs Anthony, Bunch, Clark Davis, Dodson, Hallinston, Hampton, Pollard, Sherman, Trimble, Van Patten, Whitfield and Mr President — 13.

Seventh Ballot.

James D Butler in Senate 2 in House 25 — 27
Eakin & Etter " 6 " 16 — 22
Johnson & Yerkes " 13 " 22 — 35
The Senate voted as follows:
For Mr Butler
Messrs Dailey & Wallace — 2.
For Messrs Eakin & Etter
Messrs Belser, Hunt, Leech, Smith

Stillwell and Williams — 6.
For Johnson & Yukes
Mess Anthony, Bunch, Clark
Davis, Dodson, Hallinan, Hampton, Pollard,
Sherman, Trimble, VanPatten, Whitfield
& Mr President — 13.

Eighth Ballot.

James D Butler in Senate 2 in House 25 — 27
Eakin & Etter " 6 " 18 — 24
Johnson & Yukes " 13 " 21 — 34

The Senate voted as follows:
For Mr Butler:
Mess Emley and Wallace — 2.
For Eakin & Etter
Mess Belser, Hunt, Lech, Smith, Stillwell
and Williams — 6.
For Johnson & Yukes
Mess Anthony, Bunch, Clark, Davis
Dodson, Hallinan, Hampton, Pollard,
Sherman, Trimble, VanPatten, Whitfield
and Mr President — 13.

Mr Malapite House moved to adjourn until 9 O'clock tomorrow morning; which motion was lost.

Thereupon on motion of Mr Collins of the House from Dear the convention took a recess until 7 O'clock P.M.

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7 O'Clock P.M.

The Convention met.
Roll of the Senate called.
Present — Mess Anthony, Belser, Bunch
Clark, Davis, Dodson, Emley, Hallinan
Hampton, Hunt, Lech, Pollard Sherman
Smith, Stillwell, Trimble, VanPatten, Wallace
Whitfield, Williams & Mr President — 21.
Roll of the House called by the clerk.
Quorum of both Houses present.
The convention assumed balloting for
Public Printer.

Ninth Ballot.

James D Butler in Senate 1 in House 23 — 24
Eakin & Etter " 8 " 20 — 28
Johnson & Yukes " 12 " 19 — 31

The Senate voted as follows:
For Mr Butler
Mr Embry — 1.
For Eakin & Etter
Messrs Anthony, Bilser, Hunt
Leech, Smith, Stillwell, Wallace & Williams — 8.
For Johnson & Yukes
Messrs Bunch, Clark, Davis,
Dodson, Halliburton, Hampton, Pollard
Shannon, Trimble, Van Patten, Whitfield
and Mr President — 12.
Messrs English, Martin and
Pennington of the House voted for Dawley
& Holtzman.

Tenth Ballot.

Mr Pennington renominated Dawley &
Holtzman.

James D Butler in the Senate	0	in House	17	— 17
Eakin & Etter	"	8	"	23 — 31
Johnson & Yukes	"	12	"	19 — 31
Dawley & Holtzman	"	1	"	6 — 7.

The Senate voted as follows:
For Eakin & Etter
Messrs Anthony, Bilser, Hunt,
Leech, Smith, Stillwell, Wallace & Williams — 8.
For Johnson & Yukes
Messrs Bunch, Clark, Davis,
Dodson, Halliburton, Hampton, Pollard
Shannon, Trimble, Van Patten, Whitfield
& Mr President — 12.

Eleventh Ballot.

Mr Sissel of the House withdrew James D Butler.

Eakin & Etter in Senate	8	in House	40	— 48.
Johnson & Yukes	"	11	"	19 — 30
Dawley & Holtzman	"	2	"	6 — 8

The Senate voted as follows:
For Eakin & Etter
Messrs Anthony, Bilser, Hunt,
Leech, Smith, Stillwell, Wallace & Williams — 8.
For Johnson & Yukes
Messrs Bunch, Clark, Dodson
Halliburton, Hampton, Pollard, Shannon,
Trimble, Van Patten, Whitfield & Mr
President — 11

For Danley & Holtzman

Mefrs Davis & Danley — 2.

Whereupon, the President of the Senate announced that Mefrs Eaton & Etter having received a majority of all the votes given were duly and legally elected Public Printers to the State for and during the time prescribed by law.

The Senate returned to their chamber and

On motion of Mr Hampton adjourned until 9 O'clock tomorrow morning.

Jno. G. Fletcher
President

Thursday Nov 27th 1862

The senate met

Prayer by the Revd Samuel Hallibuston.

Roll called

Present Messrs — Anthony, Bates, Busch, Clark Davis, Dodson, Emby, Hallibuston, Hampton, Hunt, Lech Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams, & Mr President — 21

~~The journal of~~ On motion of Mr Hampton the reading of the journal was dispensed with.

Reports from standing committees were in order

Mr Stillwell from the committee on judiciary made the following report

Mr President

The committee on the judiciary have considered Senate bill No 62 to be entitled an act to amend chapter 92 of the digest and have instructed me to report the same back to the Senate and recommend its rejection

Stillwell one of the committee

which was read and adopted & the bill thereby rejected

Mr Stillwell further from said committee made the following report

Mr President

The committee on the judiciary have considered Senate bill No 63 to be entitled an

not to increase the salary of the Attorney General" & have instructed me to report the same back and recommend its passage

Stillwell one of the Committee

Mr Hampton moved to amend the bill by inserting after the words "dollars" the words "per annum" which was adopted

On motion of Mr Hampton the bill was read the third time as amended and passed

Mr Stillwell further from said committee made the following report

Mr President

The judiciary committee to which was referred House bill No 88 to be entitled an act for the relief of indigent and needy families of soldiers also Senate bill No 24 to be entitled an act for the relief of the needy families of soldiers in this state have considered the same & have instructed me to recommend that said Senate bill be not passed. The committee further have instructed me to report said House bill with amendment and to recommend its passage as amended

Stillwell one of the committee

which report and amendment was read

On motion of Mr Hampton the Senate resolved itself into committee from of the whole to consider said amendment — Mr. Barnes taking the chair.

After some time spent in deliberation the committee arose and reported the following amendments to the amendment and recommended that it be adopted as amended:

Insert before the words "friendship" in Sec. 1 the word "civil."

In same section, after words "who may" insert now or hereafter.

In same section after words "who are now or have been" the words "or may hereafter be"

In same section after words "confederate or state" the words "and widows who may have been in

the army"; also, insert immediately after said words "and orphan children who have relatives in the army, upon whom they are dependent"

In 3rd Section after words "for such lists" insert "from time to time"

In same Section after words "they may" insert "or may not"

In 4th section after words "competent person as a commissioner" the words "not liable to military service"

In 7th section before the word "Township" insert "civil"

Additional Section:

Sec. That in any county where there are two separate judicial districts, in each of which there is held a separate county court, each of said districts shall be entitled to the provisions of this act as a separate county.

Which report was received and the amendments adopted.

Mr Emby offered to amend with an additional section to wit

Sec. Be it further enacted that if it shall be deemed by the county court of any county most advisable such court may order the commissioner of said county to pay out the moneys received by him under this act to the heads of such families as may have or more of them paying to each the sum of five dollars per month instead of provisions

Which was lost on a division affirmative 16 negative 10

The amendment as amended was then read and adopted and

On motion of Mr Clark the bill read the third time and passed

Message from the House of Representatives by the clerk

Mr President

I am instructed to inform your honorable body that the House have passed the following House bills

c. 255 to be entitled an act to vest the title of the lands known as the Lake & Sutton Rail Road lands in the State of Tennessee

No 87 to be entitled an act supplementary to an act passed at the present session of the General Assembly for the relief of the families of the Western frontier counties who are destitute of bread stuffs

No 94 to be entitled an act to repeal certain laws relative to levees in Chicot county and confer on the county court of said county to levy and collect a special tax for the purpose of building levees in said county & for other purposes

which bills are herewith transmitted for the assent of your honorable body which is respectfully asked

The House has amended and as amended passed Senate bill No 17 entitled an act to regulate proceedings under chapter 170 of the digest; which bill with amendments attached is herewith returned for the consideration of your honorable body which is respectfully asked

A M Woodruff
Clerk H of Reps

Message from the Governor

Mr President

I am instructed by the Governor to inform your honorable body that on the 26th day of November 1862 he approved and signed

Senate joint resolution requiring the joint committee on Auditor and Treasurer books to count cancel and file the war bonds detached coupons from war bonds Treasury warrants Arkansas bank paper Arkansas state bonds and Arkansas State bank bonds & coupons paid into the treasury that they may be preserved & prevented from again going into circulation

Senate joint resolution requiring the Secretary of State to tender to the confederate military authorities the carpets on the floors of the state House for the use of the soldiers in the army

Also the following act Reg

An act for the benefit of the widow and minor heirs of Thos. J. Watts late of Columbia county

An act for the relief of A. S. Lockett

An act to establish the county of Woodruff

An act to amend chapter 40 of the digest under the head of lots

An act to amend chapter 17 of the digest of the statutes of Arkansas

An act for the relief of the Clerk of Sebastian County

An act to amend chapter 147 of the digest concerning county revenue

An act for the relief of B. L. Brittain &c

And returned an act concerning the revenue of counties

Nov 27 1862

W M Mathews
Private Secretary

Veto Message

Executive office
Little Rock Ark
Nov 26 1862

To the President of the
Senate of Arkansas

While concurring in the object and spirit of an act entitled an act concerning the revenue of the counties. I deem one of its provisions exceedingly dangerous to the state.

The coupons to our war bonds are with the Treasurer signature printed and if they are to be severed and thrown into circulation (and the counties could not use them otherwise) One man might print and put in circulation enough to bankrupt the state and no one could discriminate between the ~~fraudulent~~ genuine and the fraudulent

For this reason the act is respectfully returned

Your obedient servant
H Flanagin

Mr Stillwell offered the following resolution

Whereas it appears by the statement accompanying the report of the committee on printing made on yesterday that the treasurer has been paid several amounts for issuing

war bonds and treasury warrants and also that divers sums have been paid to individuals for assisting Treasurer to prepare war bonds therefor

Resolved That the Treasurer be required forthwith to inform the Senate by what authority such individuals were employed and paid out of the treasury

Which was read and on his motion adopted and the Secretary directed to furnish the Treasurer with a copy of the same

Mr Stillwell offered the following resolution:

Resolved That it is the sense of the Senate that the General Assembly should not adjourn sine die until there is a full report of the committee upon Auditor's and Treasurers books.

Read and laid on the table for the present at the request of Mr Stillwell.

Mr Williams offered the following Joint Resolution:

Resolved by the General Assembly of the State of Arkansas that the Saline lands of this state be placed at the disposal of the Major General Commanding the Trans Mississippi District for the purpose of making salt, where the same does not conflict with individual interests.

Read the first time

On motion of Mr Dowson the rules were twice suspended the resolution read the second and third times and adopted.

No 64 Mr Whitfield introduced Senate bill to be entitled an act relating to the printing the report of the Supreme court

Read the first time

On motion of Mr Whitfield the rules were suspended the bill read the second time and on motion of Mr Williams referred to the committee on printing

Mr President announced the receipt of a communication from the House of Representatives which the Senate would consider in secret session

Whereupon, on motion of Mr Hampton the Senate went into secret session and after deliberation the Senate resumed business with open doors.

On motion of Mr Williams the Senate took a recess until 2 o/clock P.M.

At 2 o/clock P.M. the Senate convened. Roll called

Present — Messrs Anthony, Belzer, Bunch, Clark Davis, Dodson, Embry, Halliburton, Hampton, Hunt, Leach, Pollard, Sherman, Smith, Stillwell, Trimble Van Patten, Wallace, Whitfield, Williams and Mr President — 21

Mr Embry asked and obtained leave of absence indefinitely for Mr Hunt

House Bills were ordered up

House Bill No 81 to be entitled an act for the relief of the sheriff of Washington county was read the first time

On motion of Mr Davis the rules were suspended the bill read the second and third times and passed.

House Bill No 30 to be entitled an act to change the time of holding the circuit courts in the third judicial district was read the first time

On motion of Mr Pollard the rules were suspended the bill read the second and third times and passed

House Bill No 86 to be entitled an act to prevent the sale of ardent spirits within two miles of Pinnacliffe academy was read the first time

On motion of Mr Williams the rules were suspended the bill read the second and third times and passed

House bill No 35 — to be entitled an act to vest the title of lands known as the Cairo & Fulton Rail Road lands in the State of Arkansas was read the first time

On motion of Mr Clark the rules were suspended the bill read the second time and referred to the committee on internal improvements

House bill No 84 to be entitled an act to be entitled an act supplemental to an act to provide for the election of an assessor

for the county of Columbia was read the first time

On motion of Mr Wallace the rules were twice suspended the bill read the second and third times and passed

House Bill No 87 to be entitled an act supplemental to an act passed at the present session of the General Assembly for the relief of the families of the Western frontier counties who are destitute of head stuffs was read the first time

On motion of Mr Dodson the rules were twice suspended the bill read the second and third times and passed

H Bill No 89 to be entitled an act to abolish the office of internal improvement commissioner of the county of Prairie and for other purposes was read the first time

On motion of Mr Stillwell the rules were twice suspended the bill read the second and third times and passed

House Bill No 94 to be entitled an act to repeal certain laws relating to levy in Christ county and confer on the county court of said County the power to levy and collect a specific tax for the purpose of building levees in said County and for other purposes was read the first time

On motion of Mr Bilyeu the rules were suspended the bill read the second time by title and referred to the committee on judiciary

House joint resolution in relation to the 2nd geological report of Dr Owen was read the first time

On motion of Mr Trimble the rules were twice suspended the bill read the second and third times and concurred in

House bills on 2d & 3d reading order of

H Bill No 33 was taken up and read as amended by the Senate and

On motion of Mr Hampton the

bill was read the third time and the question being stated on its passage Mr Anthony called for the yeas & nays

Sustained and ordered

Yeas—Messrs— Clark, Embry, Halliburton Hampton, Leach, Pollard, Trimble, Van Patten, Wallace, Whitfield & Mr President—12

Nays—Messrs. Anthony, Bunch, Davis, Dodson, Sherman, Smith, Stillwell, and Williams—8

So the bill passed

Prior to the call for the yeas and nays on the passage of the bill Mr Belser moved a reconsideration of the third reading in order to amend; which motion was lost.

Mr President laid before the Senate the following communication from the State Treasurer:

Treasurers Office
Little Rock Ark
Nov'r 27, 1862

To the Honorable
The President of the Senate
State of Arkansas

Sir— In response to a resolution passed and adopted by the Senate this day asking for the authority for employing and paying clerks for issuing War Bonds and Treasury Warrants and for paying the Treasurer for the same I would state that By an ordinance of the State Convention adopted 28th May 1861 "to provide revenue for the State of Arkansas", it is provided that war bonds and treasury warrants be issued and the 14th section is as follows: "A sufficient sum of money is hereby appropriated out of any moneys in the Treasury, not otherwise appropriated, to pay the expense of preparing and printing said bonds, coupons and Treasury Warrants".

Under this section I have employed clerks to assist in "preparing War Bonds and Treasury warrants" and paid at the rate of $800. per annum and continued them in service only when required for the necessary work connected with said bonds and warrants.

By an ordinance adopted June 1st 1861

it was provided that "the Treasurer shall be entitled to the same pay for issuing and registering the scrip or warrants and bonds provided for by said ordinance as he is now entitled to receive for issuing swamp land scrip and a sufficient amount of money is hereby appropriated out of the state Treasury to pay said Treasurer for such services and also to purchase the necessary books and stationery to carry into effect the provisions of the revenue ordinance to be paid upon warrants to be drawn by the Auditor." Under this ordinance the Treasurer was paid for issuing bonds and Warrants until the called session of the legislature in Nov 1861 enacted that the Treasurer should only receive pay for pieces of the size of ten dollars and upwards, since then he has been paid accordingly

Very respectfully
O Basham Treas
By Jas A Martin D.T.

Which communication was read and referred, with the resolution calling for the information therein referred to, to the committee on Judiciary.

Mr Trimble offered the following resolution:

Resolved by the General Assembly of the state of Arkansas That the commission of enquiry (into the fiscal affairs of the state) constituted by an act of this General Assembly shall do and perform all the duties and be invested with all the legal powers which are usually imposed upon the joint standing committee on Auditing and Finance by

Read the first time.

On motion of Mr Trimble the rules were twice suspended the ~~bill~~ resolution and the second and third time, when Mr Stillwell demanded the yeas and nays on its adoption, which call was sustained

Mr Van Patten moved to adjourn until 9 o'clock tomorrow morning, which

motion was lost on a division — 7 affirmative 10 negative

The roll was then called on the adoption of the resolution.

Yeas — Mesrs Anthony, Bunch, Davis, Pollard, Smith, Trimble, Van Patten, Whitfield and Mr President — 9.

Nays — Mesrs Baker, Clark, Embry, Halliburton, Hampton, Leach, Sherman, Stillwell, Wallace and Williams — 10.

So the resolution was not adopted.

On motion of Mr Baker the Senate adjourned until 9 O'clock tomorrow morning

Thos H. Fletcher
President

Friday Nov 28th 1862

The Senate met
Prayer by the Revd Francis Leach
Roll called

Present — Messrs Anthony, Baker, Bunch, Davis, Dolson, Embry, Halliburton, Hampton, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams and Mr President — 19

The journal of Wednesday & yesterday was read approved and signed

Mr Williams asked and obtained leave of absence for Mr Clark on account of indisposition

Message from the House of Representatives by the clerk

Mr President

I am instructed to inform your honorable body that the House have passed the following House Bills

No 90 to be entitled an act to extend the powers of the judges of Probate in certain cases

No 97 to be entitled an act to authorize the County court of Drew county to dispose of a certain lot of land within the limits of Monticello

No 98 to be entitled an act to regulate the pay of associate justices of the county court of Prairie county

No 99 to be entitled an act to authorize the commissioner for common schools in Desha county to deliver certain papers to the Treasurer of Drew county

All of which are herewith transmitted for the assent of your honorable body which is respectfully asked

The House refuses to concur in Senate amendment to House Bill No 23 entitled an act entitled an act to prevent the issue of executions: which bill is herewith returned for the consideration of your honorable body

The House has adopted a joint resolution tendering the thanks of the General Assembly to Brigadier General W.L. Cabell & officers and soldiers for gallant and heroic conduct at the battle of Corinth & Iuka thereto: which is herewith transmitted for the concurrence of your honorable body which is respectfully asked

The House has concurred to Senate bills No 38 entitled an act for the relief of Caleb Langston as special commissioner under the act of the General Assembly approved Nov 18th 1861

No 58 entitled an act to provide for the printing of Treasury warrants

No 60 entitled an act to amend an act entitled an act to incorporate the Merchants and Planters insurance company at Camden approved 8th January 1853

No 61 entitled an act supplemental to an act establishing the county of Hempstead

All of which are herewith returned

The House has concurred and passed as amended Senate Bill No 50 entitled an act for the relief of Nathan Driver of Madison county Arkansas which with the amendment attached is herewith returned for the consideration of your honorable body

The House has rejected Senate bill No 48 to be entitled an act to authorize the County Court of Drew county to construct a bridge

which is herewith returned

The House has concurred in Senate joint resolution relative to providing plates ~~for~~ on which to print Bonds warrants or notes &c

which is herewith returned

The House has concurred and passed Senate Bill No 42 entitled an act to encourage the manufacture of cutt Iron & Cutters, each which Bill with amendments attached is herewith returned for the consideration of your honorable body

A M Woodruff
Clerk H of Reps

Motions and resolutions in order

On motion of Mr Stillwell Resolution expressing the sense of the Senate with respect to the examination of the Auditors & Treasurers books by the joint committee appointed for that purpose was taken up ~~and~~ read laid on the table for the present

Mr Thompson offered the following resolution

Whereas – The amount of business in the offices of the Auditor and Treasurer has so greatly and rapidly accumulated within the last few years that an examination which could be made by the joint committee on Auditors and Treasurers books during the session even if they devoted their whole time to it would have to be made so rapidly and incompletely that it would be unsatisfactory therefore

Resolved – That a joint committee to consist of two Senators & three Representatives be appointed to examine the books of the Auditor and Treasurer and make report to the Governor which report shall be laid before the General Assembly at its next regular or ~~called~~ Special session and have the same effect as if directly reported to the General Assembly

Which was read and laid on the table at his request

Reports from standing committees were in order

Mr Bunch from the committee on public printing made the following report

Mr President

The committee on public printing to which was referred Senate Bill No 44 to be entitled an act relating to the printing the reports of the Supreme court have had the same under consideration and have instructed me to report the same back to the Senate and recommend its rejection

Beach chairman

Which was read and adopted and the bill thereby rejected

Mr Hampton from the committee on ways & means made the following report

Mr President

Have Bills No 43 & 44 to be entitled respectively an act to confirm title to certain lands and House bill No 32 to be entitled an act for the relief of certain persons in the state of Connecticut and also Senate bill to be entitled an act for the relief of the families of Soldiers and for other purposes having been referred to the committee on ways and means and the session now rapidly approaching its term of final adjournment with but little prospect of obtaining a full meeting of the committee to act upon said bills they are herewith respectfully back to the Senate with a request to be discharged from the further consideration thereof

Hampton chairman

which was read and adopted and the committee discharged as requested

Mr Stillwell from the judiciary committee made the following report

Mr President

The judiciary committee have considered House bill No 94 to be entitled an act to repeal certain laws in relation to bonds in Orleans county & empower the county court of said county to levy and collect a specific tax for the purpose of building bridges in said county and for other purposes & have instructed me to report the same back and recommend

its passage

Read & remained. Stillwell one of the committee

On motion of Mr Belden the bill was read the third time and passed

Mr Wallace from the committee on swamp & overflowed lands reported the following bill &c

No 65 — To be entitled an act for the relief of persons who have rendered services in reclaiming the swamp and overflowed lands

which ~~bill~~ was read the first time

On motion of Mr Stillwell the rules were suspended the bill read the second time by title and referred to the committee on ways & means

Mr Smith from a joint select committee reported as follows

Mr President

The Joint committee whose duty it was to rent or procure a suitable residence for the Governor have had the same under consideration and beg leave to report

That they have made diligent enquiry into the matter and find it impossible to procure for rent any house which would be suitable as to locality or convenience but they have found a house for sale conveniently located to the state House large and commodious and exceedingly eligible in every respect as a residence for the executive. This place belongs to Gordon N Peay and S.H. Tucker and is known as the Bebee place. They propose to sell said property to the state at cost interest taxes and repairs amounting to about Seventeen thousand dollars in specie. The titles will be guaranteed. In the opinion of your committee it would be more economical to the state to purchase the property than to rent besides being much more consistent with the dignity of the high position of Governor to have a fixed residence than to be annually itinerating from one house to another

Smith chairman on part Sent
Pennington Chairman on part of the House

which report was received & the committee discharged on motion of Mr Stillwell

The introduction of Bills were in order

No 66 Mr Whitfield introduced Senate Bill to be entitled an act for the relief of Col James M. Gee of Ouachita County

Read the first time

On motion of Mr Stillwell the rules were suspended the bill read the second time and referred to the committee on claims

No 67 Mr Wallace introduced Senate Bill to be entitled an act supplemental to an act passed at the present session of this General Assembly entitled an act for the benefit of the widow and minor heirs of Thomas S Watts late of Columbia County

Read the first time

On motion of Mr Wallace the rules were three suspended the bill read the second & third times and passed

No 68 Mr Hodges introduced Senate Bill to be entitled an act for the relief of the several land offices in the state of Arkansas

Read the first time

On motion of Mr Hodges the rules were suspended the bill read the second time by title and referred to the committee on claims on motion of Mr Trimble

House Bills on first reading ordered up

House Bill No 90 to be entitled an act to extend the powers of the judge of probate in certain cases was read the first time

On motion of Mr Williams the rules were suspended the bill read the second time by title and referred to the committee on judiciary

House Bill No 97 to be entitled an act to authorize the county court of Drew County to dispose of a certain lot of land within the limits of Monticello was read the first time

On motion of Mr Belser the rules were three suspended the bill read the second & third times and passed

House bill No 98 to be entitled an act

to regulate the fees of associate justices of the County court of Prairie County was read the first time

On motion of Mr Stillwell the rules were twice suspended the bill read the second and third times and passed

House bill No 99 to be entitled an act to authorize the commissioners of common schools in Desha County to deliver certain papers to the Treasurer of Drew County was read the first time

On motion of Mr Belser the rules were suspended & the bill read the second time and laid on the table for the present at the request of Mr President

House joint resolution tendering thanks to Brigadier Gen Cabell & strong officers and soldiers under his command and recommending him for promotion was read the first time

On motion of Mr Trimble the rules were suspended the resolution read the second time

Mr Wallace moved to postpone the resolution for the present

Mr Ran Patten moved the previous question which motion prevailed and the chair stated shall the main question be now put when the same was decided in affirmative and the resolution was postponed for the present

House Bill No 99 to be entitled an act to authorize the commissioners of common schools in Desha County to deliver certain papers to the Treasurer of Drew County was read the third time and passed

House Bill No 35 was taken up and read for information

Mr Embry moved to postpone indefinitely which motion being put it was ascertained on division that a quorum was not present

whereupon a call of the Senate was ordered by the President and the following Senators answered to their names

Messrs. Anthony, Bunch, Davis, Dodson,

Emby, Hallibuton, Hampton, Lech, Pollard, Sherman, Smith, Stillwell, Trimble, Van Patten Wallace, Whitfield, Williams, and the President—18

It appearing that there was a quorum present Mr Hampton called for the yeas and nays on the indefinite postponement of the bill— sustained and ordered

Yeas—Messrs Belser, Emby, Lech, Sherman, Stillwell, Van Patten, Whitfield, Williams & Mr President—9.

Nays Messrs Anthony, Bunch, Davis, Dodson, Hallibuton, Hampton, Pollard, Smith Trimble, Wallace,—10

So the bill was not postponed and the question being stated on its passage; Mr Hampton called for the yeas and nays— sustained and ordered

Yeas Messrs—Anthony, Bunch, Davis, Dodson, Hallibuton Hampton, Lech, Pollard, Sherman, Smith Trimble & Williams—12

Nays Messrs—Belser, Emby, Stillwell Van Patten, Wallace, Whitfield & Mr President—7

So the bill passed

On motion of Mr Hallibuton House amendments to Senate bill No. 42 to be entitled an act to encourage the manufacture of salt, iron and cotton cards" were taken up.

The first amendment, to section 2, proposing to fix the price of salt manufactured under the provisions of the bill at three dollars per bushel was read and

Mr Hallibuton moved to concur therein which motion was lost.

The second amendment to section 3 proposing that land donated to persons for making salt shall revert to the state if not used for that purpose, was read and concurred in.

Mr Williams made the following report Mr President

The committee on Enrolled bills have examined the enrollment of an act supplementary to an act passed at the present session of the General Assembly entitled an act to establish the county of Novarupta

An act to amend an act entitled an act to incorporate the Merchants and Planters Insurance Company at Camden approved 8th January 1853 — An act to provide for printing Treasury Warrants — An act for the relief of Caleb Hampton as special commissioner under act of the General Assembly approved November 18th 1861 — And a Joint Resolution relative to engraving plates and cuts for printing Treasury warrants; and find the same correctly enrolled. I further report that I have this day presented said bills and resolution to the Governor for his action thereon.

Williams Chairman.

On motion of Mr Halliburton the Senate took a recess until 2½ O'clock P.M.

At 2½ O'clock P.M.

Senate convened.

Roll called.

Present — Messrs Anthony, Belser, Bunch Davis, Dodson, Embry, Halliburton, Hampton, Leech, Pollard, Sherman Smith, Stillwell Trimble, Van Patten, Walker, Whitfield, Williams and Mr President — 19.

Message from the House:

Mr President

I am instructed to inform your honorable body that the House has agreed to concur in Senate amendment to House bill No. 88 to be entitled an act for the relief of indigent and needy families of soldiers; which is herewith returned.

The House has assented to Senate bill No. 67 entitled an act supplemental to an act passed at the present session of this General assembly entitled an act for the benefit of the widow and minor heirs of Thomas L. Watts late of Columbia county; which is herewith returned.

A. M. Wordoff
Clk of House

House amendments to Senate bill No. 6 entitled an act to appropriate the internal improvement funds of Independence, Izard, Van Buren, Yell, Poinsett, Carroll, Union, Columbia

Pike, Polk, St Francis, White, Jackson, Pope Newton, Searcy, Marion, Lawrence, Fulton, Ouachita, Calhoun, Cross and Johnson counties for the relief of the destitute families of volunteers, were taken up.

The first amendment was read and on motion of Mr Trimble concurred in as follows:

Amend the title by adding the counties of Montgomery, Prairie, Perry, Randolph, Benton and Madison and add before the word "St Francis" the words "the unappropriated portion of the Internal Improvement fund of."

The second amendment was read and on motion of Mr Trimble also concurred in as follows:

"Strike out of the title the words Lawrence, Izard, Jackson, Ouachita and Union."

The following House amendment to Senate Bill No 37 entitled an act for the relief of certain collectors of revenue was taken up (and) concurred in by the Senate

Amend by inserting the word "last" after the word "May"

House amendment to Senate Bill No. 50 entitled an act for the relief of Nathan Driver of Madison County Arkansas was taken up read and concurred in as follows.

Amend by inserting after the word "Treasury" the words "set aside for paying pensions"

House amendment to Senate Bill No 17 entitled an act to regulate proceeding under chapter 170 of the digest was taken up read and on motion of Mr Stillwell concurred in by the Senate as follows.

Amend by inserting after the word rendered the words "after the passage of this act"

House amendment to Senate Bill No 28 entitled an act to repeal sections one five six seven eight and nine of chapter one hundred and sixty of the digest of the statutes of Arkansas was taken up read and concurred in by the Senate as follows

Strike out the word and figures five wherever it occurs in the title or body of the bill

The amendment of the Senate to

House bill No 23 entitled an act to prevent the issuing executions was taken up and read

The House having refused to concur in said amendment Mr Hampton moved to recede therefrom which motion was lost

Whereupon on motion of Mr Hampton a committee of conference was requested and Messrs Stillwell, Williams & Davis appointed such committee on the part of the Senate

Mr President announced the receipt of a communication from the House which it would be necessary for the Senate to consider in secret session.

Whereupon on motion of Mr Hampton the Senate went into secret session and after deliberation resumed business with opened doors.

No 69 Mr Williams introduced a bill to be entitled An act to repeal section one of an act approved on the 8th of January 1865 entitled an act to amend Chapter 137 of Laws of Digest under the head of public Printing.

Read the first time

On motion of Mr Williams the rules were suspended the bill was read 2d time by title and referred to the committee on Public Printing.

The resolutions offered by Mr Stillwell and Mr Hampton respectively concerning the examination of the Auditors and Treasurers books were taken up, and read,

On motion of Mr Hampton the resolution offered by himself was substituted for that offered by Mr Stillwell.

Mr Hampton then offered to amend the resolution as follows:

That said committee shall be allowed mileage to and from the Capital at the rate now fixed by law and shall be allowed per diem while engaged in their duties at the rate of _____ per day and that said committee shall be entitled if they shall deem it necessary to employ a clerk and all expenses for incidental lights stationery clothing and servant hire shall be paid out of the Treasury and the Auditor upon the certificate of the

Chairman shall draw his warrant upon the Treasurer for the mileage, per diem and actual expenses incurred during the sitting of said committee and a sufficient sum of money is hereby appropriated to pay the expenses of said committee. That said committee shall sit at their pleasure but shall commence their sittings by the — day of — and shall conclude their labors by the blank day of — and make their report to the Governor at the conclusion of their work provided that if any one of such committee shall die that the Governor may appoint some other member from the same district of the General Assembly to serve in his place and provided further that a majority of said committee shall constitute a quorum to do business.

Which was read.

Mr Wallace offered the following substitute for the resolution and amendment:

Resolved by the General Assembly of the State of Arkansas That the first duty of the Commission of Inquiry created by act of this General Assembly shall be to examine the Auditors and Treasurers books and report the result of their examination to the Governor and said report shall be laid before the General Assembly at its next meeting.

Which was read.

Mr Stillwell called for the yeas and nays on the adoption of said substitute.

Call sustained & ordered.

Yeas — Messrs Baker, Beach, Dodson, Embry, Hallimon, Hampton, Leach, Pollard, Sherman, Smith, Trimble, Van Patten, Wallace, Whitfield, and Mr President — 15.

Nays — Messrs Anthony, Davis, Stillwell and Williams — 4.

So the substitute was adopted in lieu of the original resolution & amendment.

On motion of Mr Hampton the resolution was then read the third time and adopted.

On motion of Mr Hampton Senate amendment to House bill No 88 entitled an act for the relief of the indigent and needy families of soldiers was taken up

The House having refused to concur in said amendment Mr Hampton moved that the Senate recede therefrom; which motion was lost.

Whereupon, On motion of Mr Williams a committee of conference was requested on the same and the chair appointed

Messrs Williams and Hampton as such committee on the part of the Senate.

On motion of Mr VanPatten the Senate took a recess until 7 o'clock PM

At 7 o'clock PM the Senate met. Roll called.

Present — Messrs Anthony, Belcher, Branch, Davis, Denny, Hallowell, Hampton, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, VanPatten, Wallace, Whitfield, Williams and Mr President — 18.

Message from the House

Hall of House of Reps
Nov 28 1862

Mr President

I am instructed to inform your honorable body that the House has passed House bill No 100 to be entitled an act to authorize the distillation of grain into ardent spirits and for other purposes.

Which is herewith transmitted for the assent of your honorable body which is respectfully asked

A M Woodruff Clerk

Mr Whitfield offered the following resolution

Resolved, the House concurring, That private bills passed by this General assembly shall not be published in the pamphlet acts

Read the first time

On motion of Mr Whitfield the

rules were suspended the resolution read the 1st 2nd times and referred to the committee on Public Printing.

On motion of Mr Conley House bill No. 100 to be entitled an act to authorize the distillation of grain into ardent spirits & proper purposes was taken up and read the first time.

On motion of Mr Conley the rules were twice suspended the bill read the second and third times and the question on its passage decided in the negative.

On motion of Mr ~~X~~ Bunch the Senate adjourned until 9 O'clock tomorrow morning.

Thos. J. Fletcher
President

Saturday Novr 29th 1862

The Senate met
Prayer by the Revd J.C. Wallace
Roll called
Present Messrs— Anthony, Belser, Bunch, Davis, Dodson, Eribey, Hallibuton, Hampton, Leech Pollard, Sherman, Smith, Stillwell Trimble, Van Patten, Wallace, Whitfield, Williams and Mr President—19— recording journal adjourned until

Message from the House of Representatives by the clerk.

Mr President

I am instructed to inform your honorable body that the House has passed the following House bills

No 50 to be entitled an act for the relief of Pensioners in the State of Arkansas

No 95 to be entitled an act making appropriations for the year 1863 and part of the year 1864 and for bounties due from the state

No 96 to be entitled an act to conscript slaves to be used as laborers under the army

which bills are herewith transmitted for the assent of your honorable body which is respectfully asked

The House passed resolution requesting the Confederate Congress to make appropriation to pay the militia called out by Brig Genl McCulloch which is herewith transmitted for the concurrence of your honorable body

S.B. 33

The House has assented to the following Senate Bills

No 33 entitled an act to amend chapter 60 of the digest in relation to Divorce

No 40 entitled an act for the relief of Mrs Elizabeth Hempstead executrix of Samuel H Hempstead deceased

No 46 entitled an act for the relief of John J Stinson late Secretary of state

No 57 entitled an act to prevent the giving aid and comfort to the enemy

No 63 entitled an act to increase the salary of the Attorney General

Which are herewith returned

The House has amended and passed as amended Senate bills No 41 to be entitled an act to provide for home defence & against insurrection and No 44 to be entitled an act to amend the laws in regard to attachments; which bills with the amendments attached are herewith returned for the consideration of your honorable body

The House has receded from its first amendment to Senate Bill No 42 entitled an act to encourage the manufacture of cott Iron & cotton cards; which is herewith returned

The House has rejected Senate Bill No 54 entitled an act to repeal an act to remove the free negroes and mulattoes from this state and Senate Bill No 55 to be entitled an act to make certain free negroes now in this state slaves for life; which are herewith returned

The House has concurred in Senate joint resolution tendering the use of Salvin lands to the Brig General commanding for making salt; which is herewith returned

C M Woodruff Clerk
H of Reps

Motions and resolutions were in order

On motion of Mr Stillwell House bills No 43 & 44 to be entitled respectively an act to confirm title to certain lands were taken up and on his further motion referred to a special committee

Mr President appointed as such committee Messrs. Stillwell, Van Patten, & Hampton

Reports of Standing committees in order

Mr Van Patten from the committee on internal improvement made the following report

Mr President

The committee on internal improvement to whom House substitute bill No 55 to be entitled an act to vest the title to lands known as the Cairo & Fulton Rail Road lands in the State of Arkansas was referred have had the same under consideration & have instructed me to request that the committee be discharged from further consideration of the same

Van Patten chairman

which was read and adopted and the committee discharged as requested

Mr Williams from the committee on judiciary made the following report

Mr President

The judiciary committee have had under consideration House bill No 1 in relation to change tickets and have instructed me to report an amendment which is herewith submitted and its passage recommended

Williams from the judiciary committee

Which report was received and the amendment adopted

On motion of Mr Williams, the bill as amended ~~[illegible]~~ was read the second time

Mr Halliburton offered the following amendments; insert the word "fire" before "Cross Timber" wherever it occurs in the bill

which were adopted

Mr Halliburton offered to amend further as follows

Sec Be it further enacted that any person who has at any hereafter time

such change tickets failing or refusing to redeem them according to the conditions expressed in the face thereof shall be subject to a fine of one hundred dollars to be recovered before any justice of the peace one half to the informer the other to the county,

which was adopted

On motion of Mr Williams the rules were further suspended the bill read the third time and passed

Mr Hampton made the following report

Mr President

I am instructed to report that the committee of Conference to whom was referred the bill to be entitled an act for the relief of the needy families of soldiers have refused a bill which is to be reported to the House immediately for the consideration of the General Assembly.

Hampton, Chairman on part of Senate

Which report was read and received

Message from the Governor

Mr President

I am instructed to lay before Your Excellencies the report to the Senate that on the 28th day of November 1862 he approved and signed the following act to wit

An act supplementary to an act passed at the present session of the General Assembly entitled an act to establish the county of Woodruff

An act to provide for the printing of Treasury warrants

An act for the relief of Caleb Langston as special commissioner under act of the General Assembly approved November 18th 1861

An act to prevent convicts in the penitentiary from labouring on persons or outside of the walls of the building

An act to amend the revenue laws

Also Senate joint resolution requiring (if necessary) the Treasurer to procure plates and cuts on which to engrave notes bonds or warrants & seal plates & cuts to be under the care and custody of the Treasurer of the state

Senate resolution authorizing the military Board to audit and pay the accounts incurred

by John H. Brittain quartermaster of Lieut Col Joseph S Morris Battalion when in the opinion of the Board the accounts are just whether in person or not

November 29th 1862

W M Blackburn Secret Sec

Mr Branch made the following report

Mr President

The committee on Public Printing to which was referred Senate Joint Resolution concerning the publication of private acts have considered the same and a majority of said committee have instructed me to report the same back and recommend its rejection.

Branch, Chairman

Which report was adopted and said resolution thereby rejected.

Mr Branch also made the following report

Mr President

The committee on Public Printing to which was referred Senate bill No 69 to be entitled an act to repeal section one of an act referred the 8th of January 1861 of Hardin's Digest under the head of Public Printing, have had the same under consideration and a majority of said committee have instructed me to report back to the Senate and recommend its rejection.

Branch

Chairman

Which report was received and the question on its adoption decided in the negative — Yeas 10 Nays.

Mr Pollard moved to reconsider the vote just taken, which motion was also lost on a division — 9 in the affirmative and 10 negative.

On motion of Mr Williams the bill was read the third time and Mr Whitfield called for the yeas and nays on its passage.

Yeas — Messrs Anthony, Belser, Davis, Dodson, Hampton, Leach, Smith, Stevens, Van Patten and Williams — 10.

Nays — Messrs Branch, Butler, Hallimann, Pollard, Sherman, Trimble, Wallace, Whitfield and Mr President — 9.

So the bill passed.

Message from the House:

Mr President

The House of Representatives have passed a bill to be entitled An act to provide for the relief of indigent and needy families of soldiers and I am instructed to transmit the same for the assent of your honorable body, which is respectfully asked

A. M. Hardinge
Clerk of H of Reps

Mr Davis made the following report

Mr President

The committee on the Judiciary to which was referred House bill No. 71 entitled an act to repeal an ordinance of the Convention entitled an ordinance for the benefit of Arkansas county have had the same under consideration and am instructed to report the same back to the Senate and to recommend its passage

Davis one of the
Committee

(Mr Hampton was called to the chair)

On motion of Mr President the report was received the bill read the third time and passed.

Mr Stillwell from the committee on Judiciary made the following report:

Mr President

The Committee on the Judiciary to which was referred the resolution calling upon the Treasurer for information relative to the payment of certain horse claim sums of money for assisting the treasurer in preparing war bonds and treasury warrants and the communication of the treasurer in response thereto have had the same under consideration and have instructed me to report

That your committee have carefully examined the ordinances referred to, as well as the acts of the General Assembly bearing upon the subject and have come to a conclusion different from that of the Treasurer

Your committee are of opinion that it was the intention of the convention that the fees allowed the Treasurer for issuing

war bonds and Treasury warrants should cover all expenses incurred after the bonds and warrants were placed in his hands and not merely to pay him for signing and paying them out

If your committee are right in their conclusion it follows that all sums of money paid out by the Treasurer for assisting Treasurer to prepare war bonds were so paid under a misapprehension of law and without authority and ought to be refunded by the Treasurer. The amount so paid out and which ought to be refunded your committee have not had time to ascertain accurately but they feel safe in saying it will amount to between four & five thousand (5.000) dollars

Your committee submit the accompanying resolution on the subject and recommend the adoption of the same by the Senate

Stillwell one of the committee

Resolved — By the General Assembly of the state of Arkansas that all sums of money which have been paid out of the Treasury for assisting the Treasurer to prepare war bonds were so paid without authority of law and ought to be refunded by the Treasurer in the same kind of funds paid out

Resolved — further that if the Treasurer shall fail to pay into the Treasury all sums of money paid out for assisting Treasurer to prepare war bonds and Treasury warrants (in the same kind of funds as paid out) within thirty days the Attorney General is hereby required to proceed to execute the payment of the same in the most expeditious manner possible

Which report was read & the accompanying resolution read the first time

On motion of Mr Stillwell the rules were suspended & the resolution read the second

time

Mr Van Patten moved to reconsider the resolution which motion was lost

Mr Still moved to suspend the rules for the 3d reading and called for the yeas & nays — sustained and ordered

yeas — Messrs Anthony, Bunch, Davis, Dodson, Emby, Halliburton, Hampton, Luck, Pollard, Smith, Stillwell, Wallace, Whitfield and Williams — 14

Nays — Messrs Baker, Sherman, Trimble, Van Patten, and Mr President — 5

So the rules were suspended

The resolution was read the third time when Mr Stillwell called for the yeas and nays on its adoption — sustained & ordered

yeas — Messrs Anthony, Davis, Dodson, Halliburton, Hampton, Luck, Smith, Stillwell, Whitfield and Williams — 10

Nays — Messrs Baker, Bunch, Emby, Pollard, Sherman, Trimble, Van Patten, Wallace, and Mr President — 9

So the resolution was adopted

Message from the House of Representatives by the clerk

Mr President

I am instructed to inform your honorable body that the House has assented to the request of the Senate for a ~~joint~~ committee of conference on House bill No 88 the committee on the part of the House are Messrs Lowry, Collins of Dem & Read

The House has concurred in Senate joint resolution to provide for the examination of auditors and treasurers books

The House has passed House bill No 104 to be entitled an act for the relief of the Louisiana Texas & Arkansas Navigation company

Also House bill No 109 to be entitled an act supplementary to an act entitled an act making appropriations for the year 1863 & part of 1864 and for durances due from the state, which are herewith transmitted for the assent of your honorable body

The House has refused to concur in Senate amendment to House Bill No 1 to be entitled an act to provide for the issue of change tickets

C M Woodruff
Clerk H of Reps

On motion of Mr Hampton House Bill No 95 to be entitled an act making appropriations for the year 1863 & part of 1864 and for balances due from the state was taken up & read the first time

On motion of Mr ~~Hampton~~ Bunch the rules were suspended & the bill read the second time and on motion of Mr Hampton postponed for the present

On motion of Mr Hampton House bill No 107 to be entitled an act for the relief of indigent & needy families of soldiers was taken up & read the first time

On motion of Mr Hampton the rules were twice suspended the bill read the second and third times and passed

On motion of Mr Hampton House bill No 109 to be entitled an act supplementary to an act entitled an act making appropriations for the year 1863 & part of 1864 and for balances due from the state was taken up and read the first time

On motion of Mr Bunch the rules were twice suspended the bill read the second & third times and passed

On motion of Mr Hallibuston House bill No 95 to be entitled an act making appropriations for the year 1863 and part of 1864 and for balances due by the state was taken up read the third time and passed

Mr Belden made the following report Mr President

The special committee to which was referred ~~House~~ bill No 52 to be entitled an act to repeal an act to prevent the distillation of grain into spirituous liquors approved march 19th 1862 have had the same under-

consideration of a similar bill having come from the House and rejected by the Senate your committee consider further action unnecessary and ask to be discharged

Belser chairman.

which was read and received

On motion of Mr Belser House Bill No 55 to be entitled an act to vest the title of the lands known as the Cairo & Fulton rail Road lands in the state of Arkansas was taken up & read for information

Mr Van Patten moved to postpone the bill indefinitely on which motion Mr Belser called for the yeas & nays — sustained & ordered

yeas Messrs Anthony, Bunch, Davis, Dodson, Sherman, Stillwell, Van Patten, and Mr President — 8

Nays Messrs Belser, Embry, Hallibuston, Hampton, Leach, Pollard, Smith, Trimble, Wallace, Whitfield and Williams — 11

So the motion was lost

Mr Belser moved to suspend the rules for the third reading of the bill which motion was lost & the bill took its course under the rules

On motion of Mr Dodson the Senate took a recess until 2 O'clock P M

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2 O Clock P M

The Senate met.

Roll called

Present Messrs Anthony, Belser, Bunch, Davis, Dodson, Embry, Hallibuston, Hampton, Leach, Pollard, Sherman, Smith, Stillwell, Trimble Van Patten, Wallace, Whitfield, Williams and Mr President — 19

On motion of Mr. Wallace House bill No 64 to be entitled an act to allow certain free negroes & mulattoes in this state to pay their debts was taken up & read the third time and passed

Mr Stillwell from the committee on judiciary made the following report

Mr President — The committee on the judiciary

to which was referred House Bill No 6 to be entitled an act for the relief of persons holding Mortgaged property and others have instructed me to report the same back and ask that the committee be discharged from the further consideration thereof

Stillwell one of the Committee

which was read and adopted and the committee discharged as requested

Mr Stillwell further from said committee made the following report.

Mr President

The committee on the judiciary to which was referred House Bill No 30 entitled an act to extend the powers of the judges of Probate in certain cases have instructed me to report the same back and ask to be discharged from the further consideration thereof

Stillwell one of the Committee

Which was read and adopted and the committee discharged as requested.

On motion of Mr Belcher House amendment to Senate amendment to House bill No 6 entitled an act for the relief of persons holding Mortgaged property and others was taken up read and concurred in by the senate as follows

Strike out of said amendment the words second section and let the senate amendment come in as an additional section

Mr Ann Patten asked and obtained leave of absence on account of indisposition.

On motion of Mr Belcher House bill No 90 entitled An act to extend the powers of the judge of Probate in certain cases was taken up, read the third time and passed.

Mr Hamilton from the committee on ways and means made the following report.

Mr President

The committee on ways and means

to which was referred Senate bill No 68 entitled an act for the relief of persons who have incurred losses in reclaiming swamp and overflowed lands are of the opinion that it would be inexpedient to legislate on the subject at this time

Washington claims

Read and on motion of Mr Whitfield adopted.

Mr Williams from committee on claims made the following report

Mr President

The committee on claims to which was referred Senate bill No 68 entitled an act for the relief of the several land offices of the state of Arkansas have instructed me to submit the same back with the recommendation that it be discharged from further consideration of the same.

Stillwell claims

Report adopted and committee discharged.

House bills on second reading.

House bill No 50 entitled an act for the relief of persons in the state of Arkansas was read the first time.

On motion of Mr Benedict the rules were suspended the bill was read second third time and passed.

Mr Williams introduced the following resolution

Mr President

The committee on enrolled bills have examined the enrollments of the following bills

An act to repeal proceedings under chap 170 of the digest.

An act for the relief of certain collectors of revenue. An act to repeal sections 1, 6, 7 & 19 of chapter 160 of the Digest of the Statutes of Ark: An act for the relief of Mathew Deiner of Mississippi county Arkansas — An act to appropriate the internal improvement fund of certain counties for the relief of the destitute families of volunteers — An act supplementary to an act passed at the first session of this General Assembly for the benefit of the widow and minor heirs of Thomas Watts late of Columbia County and have instructed me to report the same correctly enrolled. And I

further report that I have this day handed the same to the Governor for his action

Williams
Chairman

Message from the House

Mr President —

I am instructed to inform your honorable body that the House has passed House bill No 101 to be entitled an act for the relief of Wm Ogle late sheriff and collector of Hot Spring county Arkansas for the year 1862

The House have also adopted has also adopted House joint resolution in relation to the 5 per cent fund and

House joint resolution in relation to the establishment of medical dispensaries for the purpose of furnishing medicines to the families of soldiers and

House joint resolution in relation to mail route from Dutsman post office via Millers point, Kinderhook, & Rogersville to Mount Olive in Izard county

All of which are herewith transmitted for the action & concurrence of your honorable body which is respectfully asked

C M Woodruff
Clerk H of Rep

Mr Stillwell made the following report

Mr President

The committee on Judiciary to which was referred Honorable Mr Coy entitled an act to confer jurisdiction on Justices of the Peace in actions of debt and other purposes and Senate bill No entitled an act for the protection of sureties, have considered the same and instruct me to report them back and recommend their rejection,

Stillwell
Chairman

Report received and on motion of Mr Stillwell adopted and said bills thereby rejected.

House bill No 96 entitled an act to consolidate claims to be used as transition costs in the army was read the first time.

Mr Pollard moved to suspend the rules

for the second reading and objection being made thereto a division was called for which it appeared that no quorum voted.

Whereupon Mr Pollard called for the yeas and nays.

Sustained and ordered.

Yeas — Messrs Anthony, Belser, Bennett, Davis, Dorsey, Hallinsten, Hampton, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Wallace, Whitfield, Williams & Mr President — 17.

Nays — None.

So the rules were suspended as to the bill and the second time.

On motion of Mr Williams the 1st sec. of the bill was amended by striking out the words

and inserting "not exceeding one eighth of the male slaves between the ages of 18 and 40 years owned by any one individual."

And on motion of Mr Belser the last proviso of 5th section was stricken out.

The bill was then read the third time as amended and passed. Mr Stillwell was called to the chair.

Message from the Governor

Mr President

I am instructed by the Governor to inform your honorable body that on the 29th day of November 1862 he approved and signed the following acts.

An Act supplementary to an act passed at the present session of this General Assembly entitled An Act for the benefit of the widows and minor heirs of Thomas O Walls late of Columbia county — An Act to repeal provisions section chap 170 of the Digest — An Act for the relief of certain collectors of revenue An Act to repeal sections 1, 6, 7, 8 & 9 of chap 106 of the Digest of the Statutes of Arkansas — An Act to appropriate the Internal Improvement funds of Independence, Van Buren, Yell, Perry, Conway, Columbia, Pike, Polk, White, Pope, Newton, Searcy, Marion, Fulton, Calhoun, Cross, Johnson, Montgomery, Prairie, Perry, Randolph, Benton and Madison counties and the unappropriated

portion of the Internal Improvement fund of St Francis County for the relief of destitute families of volunteers. An act for the relief of Nathan Dixon of Madison County, Arkansas

Nov 29 1862

W. M. Mathews
Private Secretary.

Veto Message

Executive Office
Little Rock Ark
Nov 29th 1862

To the President of the Senate of the State of Arkansas

Sir – I herewith return to your honorable body an act entitled an act to amend an act to incorporate the Merchants and Planters Insurance Company at Camden approved 8th January 1853.

This act and the one to which it refers together give the Insurance Company all necessary powers to exercise the functions of a Bank of issue, deposit, and discount. I do not think the present a favorable time to create banks. The country has already too much paper money. The reason that prices are so enormously high is that money is too abundant. Any increase in the circulation must raise still higher the necessaries of life and make those who live upon monthly pay (as the soldiers) still less able to support their families. The finances of the country are in an unsettled condition and it will need more than human skill to plant and manage honestly a bank at this time. In these unsettled times this is the first bank which has been established so far as I know. When this war shall close and the finances of the country become settled banks may become desirable and to establish one now is to lessen the probability of getting them when they may be needed.

The bill is also objectionable in itself in some respects – first it creates a bank to last fifty years without any obligation to pay specie on its outstanding dues

part of that period. Second. There is no limit to its circulation, which may be a thousand thousand or a hundred million. Third. There is no security that the issues shall be founded on anything which will make them secure. Fourth the capacity to tax its capital, is destroyed by fixing a less tax than that imposed by law upon other property. Fifth — it needs these limitations, guards and checks which universal experience has demonstrated as necessary in a bank charter.

I therefore respectfully return it without my signature.

Your obedient Servant
H. Flanagin.

Mr President offered the following resolution:

Resolved by the General Assembly of the State of Arkansas that the Senate Chamber and Hall of the House of Representatives be loaned to the Post Surgeon at Little Rock for Hospital purposes.

Read 1st time

On his motion the rules were suspended the resolution read the 2d & 3d times & adopted.

Mr Williams made the following report:

Mr President

The committee on the Judiciary have had under consideration Senate bill No 2 entitled an act for the relief of certain Jurors having in this state; also Senate bill No 45 entitled an act to enable the Corporate states to take and hold Real estate in the state of Arkansas and have instructed me to report the same back to the Senate and ask to be discharged from the further consideration of the same.

Williams chm of
Committee on Judiciary

Which report was received and on motion of Mr Palmer adopted & the committee thereby discharged from the further consideration of the bill.

On motion of Mr Leake House bill No 101 to be entitled an act for the relief of Wm Ogle late Sheriff and Collector of Hempstead County Arkansas for the year 1862, was taken up and read the first time.

On motion of Mr Leach the rules were twice suspended the bill was read the second and third times by title and passed

Message from the House.

Mr President

I am instructed to inform your honorable body that the House has assented to the amendments proposed by the committee of conference of the two Houses to House bill No 23 entitled an act to prevent the issuing of executions; which with the proposed amendments is herewith transmitted for the concurrence of your honorable body.

The Houses also adopted House Joint Resolution requiring the Auditor to turn over to W D Jacoway all the papers of Benjamin D. Jacoway, filed in his office as Marshal of the Western District of Arkansas; which is transmitted for the concurrence of your honorable body which is respectfully asked.

A. M. Woodruff
Clerk of H Reps

On motion of Mr Williams House bill No. 104 to be entitled an act for the relief of the Louisiana, Texas and Arkansas Navigation Company, was taken up and read the first time.

On motion of Mr Williams the rules were twice suspended the bill was read the second and third times and passed.

On motion of Mr Hamilton the amendment reported from the committee of conference on House bill No 23 entitled an act to prevent the issuing of executions, was taken up, read and concurred in.

On motion of Mr Pannell House Joint Resolution relative to the five per cent fund was taken up and read the first time.

On his further motion the rules were twice suspended the resolution ~~bill~~ ~~said~~ the second and third times and adopted

On motion of Mr Leach House Bill No 55 ~~was taken~~ to be entitled an act to vest the title to the lands known as the Cairo & Fulton swamp road lands in the state of Arkansas was

taken up the rules suspended, Read the third time and passed

On motion of Mr Hampton the Senate took a recess until 7 O Clock P M

7 O Clock, P M

The Senate met

Roll called

Present messrs- Anthony, Baker, Bunch Davis, Dodson, Eisley, Hallibrton, Hampton, Leach, Pollard, Sherman, Smith, Stillwell, Trimble, Wallace Whitfield, Williams and Mr President = 18

Mr Trimble made the following report Mr President

The joint committee on Auditor & Treasurer books ask leave to report- That owing to a want increase of business in these offices for the last two years consequent upon the existing war between the United State and Confederate States of America- It has been found impossible for the committee without wholly neglecting their legislative duties to make such examination as would be satisfactory to their own minds as well as to the public

A mere peep into these offices will convince any Senator that no committee however industrious and energetic they may be could count cancel and file all the war bonds detached coupons from war bonds consisting of fractional pieces upon which the interest has to be counted Treasury warrant Arkansas Bank paper Arkansas State bonds and coupons paid into the State Treasury during the brief period in which we have been in session. But the General Assembly possessing the necessity of a thorough examination of these offices have amply provided for it by the passage of an act during the present session constituting a commission of enquiry into all the fiscal offices of the state the office of the Auditor and Treasurer included

This action on the part of the General Assembly has wholly relieved your committee from further labor or trouble. All of which is respectfully submitted

J S Trimble chairman
on part of the Senate
Allen S Pettus chairman
on part of the House

which was read & concurred

Mr Williams from the judiciary committee made the following report

Mr President

The judiciary committee have had under consideration Senate Bill No 59 to be entitled an act to arrange the Senatorial districts and to apportion Representation to the General Assembly among the counties and have instructed me to report the same back and recommend its passage

Williams from the committee on the judiciary

Which was read & concurred on motion Mr Rector & the Bill read the third time and passed

Mr Williams further from said committee made the following report

Mr President

The committee on the judiciary have had under consideration House Bill No 75 to be entitled an act to authorize the issue of Treasury warrants of various denominations and have instructed me to report the same back and recommend its rejection

Williams from the judiciary committee

Which report was read & concurred

On motion of Mr Trimble the bill was read the third time and passed

Message from the House of Representatives by the clerk

Sir President

I am instructed to inform your honorable body that the House has passed House Bill No 110 to be entitled an act to revise and put in force an act passed at the last regular session of the General Assembly of the state of Arkansas entitled an act to protect the interest of the State of Arkansas in the swamp & overflowed land grant

affirm January 19th 1861

Also House Bill No 111 to be entitled an act to amend an act incorporating the town of Hamburg Ashley County

The House has adopted a joint resolution requesting the committee on Auditors & Treasurers both to report in time to accompany the acts and journals

The House has also passed Senate Bill No 53 entitled an act for the more effectual punishment of slaves for arson, larceny &c which is herewith returned

Said House Bills & resolution are herewith transmitted for the assent and concurrence of your honorable body which is respectfully asked

C M Woodruff
Clerk H of Reps

On motion of Mr Embry the Senate went into secret session

After deliberation in secret session the Senate resumed business with open doors

On motion of Mr Williams H joint resolution directing the auditor to deliver to W D Swaney the papers of B J Swaney squatted of the western district of the state of Arkansas was taken up & read the first time

On motion of Mr Williams the rules were twice suspended the resolution read the second and third time and passed

Message from the House of Representatives by the Clerk

Mr President

I am instructed to inform your honorable body that the House has passed the following two House Bills

No 112 to be entitled an act to suspend the statutes of limitation in certain cases

No 113 to be entitled an act to change the time of holding the county court of Chicot county

The House has concurred in Senate amendments to House bill No 26 entitled an act to consolidate Slaves to be used as tenants

order 44

The House has also concurred in Senate joint resolution tendering Senate Chamber and Hall of House Representatives to Post Surgeon for Hospital.

The House has concurred to Senate Bill No 59 entitled an act to arrange the Senatorial districts and apportion the representatives to the General Assembly among the counties

all of which are hereunto returned

C M Woodruff.
Clerk H of Reps

On motion of Mr Hampton House Bill No 112 to be entitled an act to suspend the statutes of limitation in certain cases was taken up and read the first time

On motion of Mr Hampton the rules were twice suspended the bill read the second and third times and passed on a division (affirmative 9 negative 7)

No 70 Mr Hallibarton on leave introduced Senate bill to be entitled an act concerning the issuance of change tickets in certain cases

Read the first time

On motion of Mr Hallibarton the rules were suspended the bill read the second time by title and

On motion of Mr Burch the rules were further suspended & the Bill read the third time and passed

On motion of Mr Shannon House joint resolution in relation to extension of mail route from Quitman to Mount Olive was taken up and read the first time

On motion of Mr Shannon the rules were twice suspended the resolution read the second and third times and adopted

On motion of Mr Belcher House Bill No 113 to be entitled an act to change the time of holding the county court of Choctaw county was taken up and read the first time

On motion of Mr Baker the rules were twice suspended the Bill read the second and third times and passed

On motion of Mr Dodson Senate Bill to be entitled an act for the relief of the sureties and officers in this state No 68 was taken up and read for information.

Mr Trimble moved to amend the Bill by striking out the words "regular salaries" and insert ato the rate of two hundred dollars per annum also to strike out the words "together with a reasonable compensation for office rent" and insert the words " and such expenses as have been necessarily incurred in removing said books and records from danger to which accounts they shall make oath, which amendments were adopted

Mr Wallace moved to strike out "two hundred dollars" which was lost.

On motion of Mr Williams the bill was read the third time as amended and passed

Mr Trimble introduced Senate Bill

No 71 to be entitled an act in relation to interest on debts — Read the first time and on motion of Mr Stillwell rejected

House amendments to Senate bill No 41 to be entitled an act to provide for Home defence and against insurrection was taken read and on motion of Mr Williams concurred in by the Senate as follows:

Amend 1st section by striking out "Maj. Genl Holmes" and inserting "the Genl Commanding the Brazos-Mississippi district."

Add the following proviso:

Provided that said home guard shall be composed of persons over forty five years of age or exempt from the conscript law.

The following amendments to Senate bill No 44 entitled An act to amend the law in regard to attachments, was taken up:

Amend by striking out the words "the cause of action arises out of the fraud of the defendant and cases where" and insert in lieu of "is" "he or they are".

Mr Branch moved to concur in said amendments, which motion was lost.

House bill No. 110 entitled an act to revive and put in force an act passed at the last regular session of the General Assembly of the State of Arkansas entitled an act to protect the interests of the State of Arkansas in the swamp and overflowed land grants approved January 19th 1861, was taken up & read the first time.

On motion of Mr Williams rules suspended the bill read the second time and

On motion of Mr Smith the third time and passed.

Mr Sherman moved to adjourn until 9 O'clock Monday morning, which was lost.

House bill No. 111 entitled an act to amend an act incorporating the town of Hawkins Ashley county was taken up and read the first time

On motion of Mr Baker the rules were twice suspended the bill read the second and third times, by title, and passed.

Mr Tucker moved to adjourn until Monday morning 8 O'clock; which motion was lost.

Mr Baker moved to adjourn until 9 O'clock Monday Morning; which motion was also lost.

House Joint resolution memorializing the Confederate Congress to make an appropriation to pay the militia called out by Gen McCulloch and others was taken up and read the first time.

On motion of Mr Trimble the rules were suspended the resolution read the second and third times and passed.

House Joint Resolution requesting commission of engineers to make report on the Auditor's and Treasurers books in time to accompany the acts and journals was read the first time.

On motion of Mr Hampton the rules suspended the resolution read the 2nd time and on motion of Mr Trimble the 3rd time and ~~[illegible]~~ concurred in

House Joint Resolution asking the establishment of the Confederate authorities of a dispensary in the Trans-Mississippi district for the purpose of furnishing medicines to the families of soldiers, was read the first

time.

On motion of Mr Beach the rules were twice suspended the resolution given the second and third times and concurred in.

House bill No 32 to be entitled an act for the relief of certain persons in the state of Arkansas was taken up and read.

On motion of Mr Hamilton said bill was indefinitely postponed.

Message from the House

Mr President

I am instructed to inform your honorable body that the House has rejected Senate bill No 69 entitled An act to repeal section one of an act approved 18th January 1861 entitled an act to amend chap 137 of Revised Digest under the head of Public Printer.

Which is herewith returned.

A. M. Woodruff
Clk. H. of R. of Ark

Mr Williams made the following report:

Mr President

The committee on enrolled bills have examined the enrollment of Senate bill No 47 entitled an act to prevent convicts in the Penitentiary from laboring on farms or outside the walls of the building also Joint Resolution authorizing Military Board to pay accounts of John McBrittain Quartermaster of Morris's Battalion also Senate bill No 9 to amend the revised laws and having found them correctly enrolled hand to the same to the Governor for his consideration on the 28th of November 1862

The committee have also examined House Joint resolution to provide for examination of the Auditor and Treasurer books; also Senate Joint Resolution tendering Saline Farms to Maj. Gen Hebbens to make salt; also Senate bill No 42 an act to encourage the manufacture of salt, iron and cotton seeds; also Senate bill No 53 an act for the more effectual punishment of slaves for arson larceny &c also Senate bill No 63 an act to increase the Salary of the Attorney General; also Senate bill No 40

entitled an act for the relief of Mrs Elizabeth Hampton Exec.t of Saml. H. Hampton—
Also Senate bill No 33 an act to amend Chap. 60 of the Digest in relation to Dower—
Also Senate bill No 57 an act to prevent the giving aid and comfort to the enemy.
Also Senate bill No 46 an act for the relief of John S. Sherman late Secretary of State—
All of which bills I have instructed to which concurrently enrolled. And on the 29th day of December I delivered all of said bills to the Governor for his consideration.

William Chairman

Message from the House

Mr President

I am instructed to inform your honorable body that the House have rejected Senate bill No. 70 entitled an act concerning the issue of change tickets; which is herewith returned.

A. M. Mordoff Clerk

On motion of Mr Williams the Senate adjourned until 8½ o'clock Monday morning

Jno. J. Gilcher
President

Monday December 1st 1862

The Senate convened.
Prayer by Rev. Saml. Hallinston.
Roll called.
Present— Messrs Belcher, Bunch, Davis, Dorsey, Embry, Hallinston, Hampton, Leach, Pollard, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams and Mr President—17.

On motion of Mr Hampton the reading of the journals of Friday and Saturday was postponed for the present.

Message from the House.

Mr President

I am instructed to inform your honorable body that Senate bill No. 69 entitled an act to repeal Sec 1 of an act approved 18th February 1862 entitled

Act relative to amend chapter 137 of Gurley's Digest under the head of Public Printer respectfully being referred was herewith by the House direct are instructed to report that fact to your honorable body and correct the endorsement on said bill

A. M. Henderson
Chairman Pro

Mr Williams made the following report:

Mr President:

The special committee to whom was referred the propriety of merging the different land offices in the various land districts of this state and as to the propriety of creating a separate department of State which shall have control and management of the landed interest of the state, and also the propriety of revising our land system have had the same under the consideration and after a careful examination of all the points of reference by them to report

Merging the Land offices

The committee are clearly of opinion that no necessity now exists for two sets of land offices. By the act of secession the whole public domain formerly held and controlled by the United States vested in the State Government thereby placing so far as tenure is concerned all the lands of the state upon an equal footing. Under existing laws the state pays two sets of officers their salaries amounting annually to the sum of eight thousand Eight hundred dollars when the whole business might be done by an officer in each district at an expense not exceeding if not less than one half of that now paid, and in economy should distinguish the legislation of every state modern by a generous liberality to those officers actually necessary to discharge all the functions of government they are decidedly of opinion that the land offices in the different districts should be merged and especially recommend such legislation

Classification of lands.

Upon this subject your committee are of one mind and that there no longer exists any necessity for any distinction in the qualities or kinds of lands held by the state and that

all should be placed on an equal footing. The present system divides the lands into first and second class swamp lands, and those revesting to the state by act of recession into as many classes as such lands have been years in market from five to thirty; the objection may be urged that the swamp land grant was a specific donation for a specific purpose and that it would be a violation of the contract or grant under which the state received the same to apply the proceeds to any other purpose than that of levying and ditching. To this argument we might well reply that it certainly could not be construed into a greater violation of the contract as to swamp lands than the violation of the compact between the state and the United States, at her admission into the old Union whereby the entire public domain was left to the undisturbed control of the Federal government lip five per cent of the proceeds has been in the actual dissolution of that compact and the unconditional signing of the whole to the use of the state and the proceeds of the whole converted to the payment of her debts. They therefore think that all distinctions as to classes and qualities should be abolished. Economy dictates and loudly calls for such a course of legislation on this subject

Revising the Land System.

Of the different points referred to them the committee deem this as by far the most important and they approach its discussion with hesitation not without confidence however of the necessity for decisive action on this point. By reference to the Auditors report at the various sittings of the General Assembly since that officer has been made the chief of the land Department it will be seen that hosts of errors and inaccuracies have been discovered and exposed, which have crept in by misconstruction and misapplication of the various laws heretofore from time to time on the subject of the state lands. Many laws and hosts of laws are irreconcilable in their construction

This has been the result of hasty legislation. In every part of the state litigation growing out of conflicting land titles and which is a bane to the prosperity of all prosperous communities has sprung up and the dockets of the courts of our state teem with cases growing out of these conflicts. Owing to the liberty of conscience the minds of men are more tenacious of the titles and tenures of real estate than any other subject. Of all the legislation of the state none more prolific of trouble has ever passed from the halls of the Capitol or been promulgated to our people than the various enactments upon the land interests of the state. The committee know of no stronger argument they could use while discussing this question than the opinion of the late General S. H. Humphreys, than whom perhaps no common priest lived in the state and whose profound study of the land system in the discharge of his official duties and in an extensive practice had made him perhaps more familiar with this important subject than any man living at the time of his death, which opinion was communicated to the Executive in his official report as Solicitor General dated 25th October 1858. In speaking of this subject he says "I take leave "to make this single remark that the laws in "regard to the Swamp lands have at different "times are frequently in conflict rendering the "construction and understanding thereof "difficult, and whatever plan may be "established or adhered to there can be no "doubt it would be of immense public "benefit to simplify and reduce them in "a more perfect system to the end that "they may be easily understood by the people". These conflicts have evidently grown out of haste and want of deliberation. The land system is a code of itself which requires a long time to master and comprehend and the addition of act upon act (without a consideration of all the laws) to suit the interests of one section of country or

our class of people has brought about these conflicts. The landed interests have grown in magnitude till they crush adown as it were all our other interests — To it all eyes are turned and upon it every expectation is fixed for relief from our pecuniary embarrassments, incurred in the prosecution of a war for independence. It is the only basis of our State credit, the present General Assembly having suspended the collection of revenue, and upon it depends the soundness of our State credit. Large appropriations have been and are still being made, based upon the proceeds of these lands, Millions of dollars rest upon them for payment, and we should look well and carefully to their protection and use all means to secure the largest possible returns from their sale. We would by no means gainsay these appropriations. They are right, and public necessity has demanded them, but such resources as we enjoy in our landed interests imperatively demand, that they should be husbanded with the most jealous care. Besides this it is due to the people of our State that the organization of the land system, should be simple, free from all complexity or conflicts, so that the purchaser who obtains the title of the State to his land may know and feel assured, that his title is indisputable and paramount to all others. Great deliberation is due to this all important subject, in order, that the true value of our magnificent source of wealth may be resolved out of it, and not filtered idly away leaving an indebtedness upon our State to be discharged perhaps by our Children's children by taxation, and who may curse their ancestors for having squandered the means whereby the same might have been discharged and entailing upon them a burden so onerous in its character. The public debt has been created upon this pledge and the holders of our State indebtedness look with lively interest upon its management and the policy adopted and pursued in regard thereto. The system of entry and purchase should be simplified whereby the purchaser upon payment of his money, without expense should incur his title deeds, and which should be delivered at the office of purchase. The present system requiring the purchaser to obtain his deeds at the Capital from the hands of the Auditor, is expensive, troublesome and unjust to the purchaser. There should be created in the opinion of your Committee a separate Land department or General land Office to be kept at the seat of Government to which direct accountability should be had by the various district offices. The plan of requiring these duties at the hands of the Auditor, is not so good, as that of a separate department, for the reason that the

duties of that office are exceeding complex without this additional embarassment and wholly different or nearly so in their character, while those of the Land department involve both Judicial and executive powers. Another reason equally pertinent, is, that a department involving so much of interest to the State should be controlled by a head and hand having this duty alone; and not embarassed, by a conflict of duties seperable in their character and irrelevant to each other by any kind of affinity. An additional reason might be given in this; that it increases and enlarges the business of that department of the State so much that, it renders it out of the power of the General Assembly to institute that rigid inquiry into those matters which the interest of the people demand, without a resort to, the employment of persons at high salaries outside of the General Assembly at great expense, to discharge those duties specially incumbent upon its membership as has been done at the present session in the commission of inquiry thereby delaying any exposures of derelictions if any exist and risking the reelection of incompetent men to important stations before their labors and official conduct has passed the crucible of rigid and impartial investigation.

Preemptions.

A less complicated system is imperatively demanded upon this subject. The law should be made so plain, that none could misunderstand, unless wilfully blind to its provisions. At present the numerous methods pointed out by law, to secure priority in the occupation and possession, of lands, with right of ultimate purchase are fruitful sources of trouble, often compelling the parties to resort to the courts of the country for a construction of statutes which should otherwise be plain and always reconciliable, one point with another. A single mode and simple method, with clear and indisputable proof of priority and occupation and only to actual settlers should be adopted on this subject. It is loudly called for.

The Levee System.

From all the lights your committee have been able to get on this system, from which so much of relief and permanent good was fondly entertained in its inception by its friends, they are drawn to the conclusion irresistably, that it is a magnificent failure, the benefits accruing from the work being practicable compared with the immense cost to the State for the work done and in the opinion of the committee all laws contemplating State action on this subject or the further prosecution of the levee system should be repealed, and that the present outstanding Swamp land Scrip, or to be earned upon work heretofore done which has not been paid for, when absorbed, should be the last ever earned, but all purchases of

lands should be made with specie or the bonds or warrants of the State.

Donation of lands by Auditor.

Upon this subject the committee are of opinion that there should be a suspension of the law upon this subject and that lands forfeited by the State for non-payment of taxes or otherwise, should be restored to market through the land offices as other public lands belonging to the State, subject to entry in the same way and by the same rules, or rules and regulations applicable to the peculiar class of lands. The present system not being equitable in its provisions or just to the State or people.

The shortness of the present session and the want of time, to review and digest properly the present system, has deterred the committee from undertaking to propose any system or modification in the present laws, lest by immature legislation still other embarassments might be thrown about the matter, their own investigations convincing them that long, patient and laborious study can only accomplish this work, and that no committee in the haste and confusion incident to a short session can mature or devise any system, perfect in its parts, free from obscurity, and conflicts. They therefore respectfully refer the matter back to your honorable body with the accompanying joint resolutions, the adoption of which they recommend, and respectfully ask to be discharged from the further consideration of this subject.

Respectfully
Williams, Chairman
Clark
Smith.

Resolved by the General Assembly of the State of Arkansas, That the Governor be authorized and required to appoint three persons, learned in the land laws of this State, whose duty it shall be to revise and prepare a suitable land system, adopted as nearly as may be in their opinions to the best interests of the State, in order that all conflicts may be removed, and that said system may be made simple in its operations - and that said persons so appointed, report to the Governor as soon as practicable, and that he have the same printed and submit the same to the next session of the General Assembly, and a sufficient sum of money is hereby appropriated out of the Treasury subject to the order of the Governor to pay such reasonable compensation as such persons may in his opinion be entitled to receive.

Be it further resolved, That article two of Chapter one hundred and one of the Digest is hereby suspended - in

its operations for two years.

Which reports were received and the resolution read the first time

On motion of Mr Williams the rules were suspended & the resolution read the second time and

On motion of Mr Hampton, the rules were further suspended the resolution read the third time and adopted

Message from the Governor

Mr President

I am instructed by the Governor to inform your honorable body that on the 29th day of November 1842 he approved and signed the following acts to wit

An act to encourage the manufacture of salt Iron & cotton seeds

An act to prevent the giving aid and comfort to the enemy

An act for the relief John I Stinman late secretary of state

An act for the more effectual punishment of slaves for arson larceny and other crimes

An act to amend chapter sixty of the digest in relation to slaves

An act for the relief of Miss Elizabeth

Hampton executrix of Samuel H Hampton deceased,

An act to increase the salary of the Attorney General

Senate Resolution - That the entire lands of this state be placed at the disposal of the Surveyor General commanding the Trans-Mississippi district for the purpose of making sale where the same does not conflict with individual interests

Senate resolution making it the first duty of the commission of enquiry created by this General Assembly to examine the Auditors and Treasurers books and report the result of their examination to the Governor which report shall be laid before the General Assembly at its next session.

December 1st 1862. W. H. Mathews
Private secretary

Mr Williams (for Mr Black) from the committee on Judiciary made the following report:

Mr President:

The Judiciary committee to which was referred a resolution instructing said committee to take into consideration that portion of the constitution in relation to the classification of senators have had the same under consideration and have instructed me to report that it is the opinion of your committee that the new constitution does not make any change in the classification of senators.

In organizing the legislative department the new Constitution provides in reference to senators that "the successors of those in office shall be elected in the manner and at the time now required by law and for the term of four years" - that is to say the six successors of the twelve senators whose terms of office expired in the year 1862 should be elected for the term of four years beginning from the first Monday of November A D 1862 and the successors of the thirteen senators whose term of office expired or would expire in the year 1864 should be elected for the term of four years beginning from the first Monday of November A D 1864. Clark chairman.

Which report was read, when

Mr Hampton offered the following as a substitute for said report:

Whereas – The General Assembly of the state of Arkansas did on the 15th day of January AD 1861 pass an act to provide for a state convention

And Whereas said convention elected under the provisions of said act and being invested with sovereign powers did inaugurate a new state Government by the formulation and adoption of a new constitution which constitution ~~which constitution~~ requires that the Senatorial branch of our General Assembly shall continue its classification as it existed under the old government

Therefore be it Resolved – That the Senate will now proceed to divide itself into two classes by placing twenty-five ballots in a hat upon thirteen of which Ballots shall be written the figure 4 and upon the other twelve shall be written the figure (2) and upon the Secretary of the Senate proceeding to call out the ~~roll~~ number of the senatorial districts from one to twenty-five the assistant Secretary shall draw from the hat one ballot for each district as the roll shall be made the figure on which ballot shall indicate the term of service of the Senator representing said district

Mr Belser offered the following resolution as a substitute for the resolution offered by Mr Hampton

Whereas the General Assembly of the state of Arkansas did on the 15th day of January 1861 pass an act to provide for a state convention

And Whereas said Convention elected under the provisions of said act and being invested with sovereign powers did continue a state government by the formulation and adoption of a new constitution which constitution is in its provisions of ambiguous construction as to the senatorial branch of our General Assembly

Therefore Be it Resolved – That the

Senate will now proceed to provide for the classification of the Senate to take effect at the general election for the year 1866.

The secretary of the Senate is hereby directed to place in a hat twenty-five ballots upon thirteen of which ballots the figure (4) four shall be written and upon the other twelve the figure (2) two shall be written which being done the Secretary of the Senate shall call out the number of the senatorial districts from one to twenty-five and the assistant Secretary shall draw from the hat one ballot for each district as the roll shall be made the figure on which ballot shall indicate the term of service of the Senator there to be elected from the senatorial district thus designated in all ~~odd~~ general elections - thereafter the classification now and hereinbefore made shall be observed until the number of Senators is increased

After some discussion, Mr Williams, and leave, withdrew the report of the Judiciary committee

Whereupon the substitute resolution offered by Mr Belden was adopted in lieu of the original resolution offered by Mr Hampton

On motion of Mr Belden the substitute resolution was read the third time and adopted

Message from the house of Representatives by the clerk

Mr President

I am instructed to inform your honorable body that the House has adopted House Joint resolution requiring the Public Printer to furnish the House of a personal nature in his house and send two copies of the same to the clerk of each county in the state; which is transmitted for the concurrence of your honorable body which is respectfully asked.

The House has rejected Senate bill No 68

entitled an act for the relief of the Revenue Land Office of the State of Arkansas, and also respecting Senate Joint Resolution to provide for a suitable land system for the State.

The House has receded from its amendments to Senate bill No 444 entitled an act to amend the law in regard to attachments.

Which bills and resolution are herewith returned.

A. M. Woodruff Clk H Reps.

The allotment as required by the resolution adopted by the Senate was made with the following result:

First District,		comprised of Baxter and Madison counties	two	years
Second	"	comprised of Carroll and Newton counties	two	"
Third	"	comprised of Washington county	four	"
Fourth	"	comprised of Crawford & Franklin counties	four	"
Fifth	"	comprised of Sebastian & Scott counties	four	"
Sixth	"	comprised of Johnson & Pope counties	two	"
Seventh	"	comprised of Yell, Perry & Conway counties	four	"
Eighth	"	comprised of Marion and Searcy counties	two	"
Ninth	"	comprised of Izard & Van Buren counties	four	"
Tenth	"	comprised of Independence county	four	"
Eleventh	"	comprised of Lawrence & Fulton counties	two	"
Twelfth	"	comprised of Green Randolph & Craighead Counties	two	"
Thirteenth	"	comprised of Poinsett, Cross & St Francis counties	four	"
Fourteenth	"	comprised of Mississippi & Crittenden counties	two	"
Fifteenth	"	comprised of Phillips and Monroe counties	four	"
Sixteenth	"	comprised of Prairie and Pulaski counties	two	"
Seventeenth	"	comprised of White, Jackson & Woodruff counties	four	"
Eighteenth	"	comprised of Lafayette, Ouachita & Dallas counties	four	"
Nineteenth	"	comprised of Clark, Dallas & Ashley counties	two	"
Twentieth	"	comprised of Bradley & Dallas counties	two	"
Twenty first	"	comprised of Union & Columbia counties	four	"
Twenty second	"	comprised of Ouachita & Calhoun counties	two	"
Twenty third	"	comprised of Hempstead, Lafayette & Sevier counties	four	"
Twenty fourth	"	comprised of Clark, Pike and Polk counties	four	"
Twenty fifth	"	comprised of Hot Spring, Montgomery & Saline counties	two	"

Mr Crawley offered the following resolution:

Resolved that the thanks of the Senate are due to the President and President pro tem for the faithful and impartial manner in which they have discharged the duties of presiding officer of this body.

Resolved, That the thanks of the Senate are due to Hon. Samuel Hallinsten, Jr.

Wallace and J. Leach for their services in opening its sessions with prayer.

Resolved That the thanks of the Senate are due to John D. Kimball, Secretary; S. H. Bayliss, Assistant Secretary; A. W. Wardward, Enrolling Secretary and Nat. Carson door-keeper for the efficient and faithful manner in which they have discharged their respective duties.

Which was read and unanimously adopted.

Mr Stillwell offered the following joint resolution:

Resolved by the General Assembly of the State of Arkansas That the Secretary of State be and he is hereby instructed to cause the report of the select committee on the land system of this state, to be published as an appendix to the acts of this session

Read the first time

On motion of Mr Stillwell the rules were suspended the resolution read the second and third times and adopted.

On motion of Mr Trimble House Joint Resolution regarding the Public Printing to publish the acts of a general nature in this house and furnish each county clerks office with two copies of same was taken up and read the first time.

On his further motion the resolution was read the second and third times in succession of the rules and ordered engrossed by the Senate

On motion of Mr Dorsey the Senate took a recess until 2 O'clock P.M.

—

At 2 O'clock P.M. the Senate met.

Roll called

Present— Messrs Belser, Bunch, Davis Dodson, Embry, Halliburton, Hampton, Leach, Polland, Sherman, Smith, Stillwell, Trimble, Van Patten, Wallace, Whitfield, Williams and Mr President—18

Message from the House.

Mr President

I am instructed to inform your honorable body that the House has passed the following House Bills—H.B. 114 entitled An act supplementary to an act

entitled An Act authorizing the issuing of Treasury Warrants of various denominations passed at the present session of the General Assembly.

No 115 entitled An Act supplementary to an Act to suspend the revenue laws of this State.

Which two bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

A. M. Woodruff
Clk of H Reps

Mr President announced the receipt of a communication which it would be necessary for the Senate to consider in secret session.

Whereupon, on motion of Mr Hampton the Senate went into secret session, and after deliberation the Senate resumed business in open doors.

Message from the House.

Mr President

I am instructed to inform your honorable body that the House has concurred and concurred in Senate Joint resolution relative to the publication of the report of the commissioner on a land system with the acts, which is herewith returned.

The House has adopted a joint resolution in relation to printing 500 copies of the ~~acts~~ journals.

Also a joint resolution to appoint a committee to wait on the Governor and inform him of the readiness of the two Houses to adjourn sine die

A. M. Woodruff
Clk of H Reps

Mr Williams offered the following joint resolution:

Resolved by the General Assembly of the State of Arkansas that our Senators in Congress be instructed and our representatives requested to use their exertions with the proper officers of the war department and if the authority does not exist in that department to use their exertions to have an act through the Congress of the Confederate States requiring

the War Department to appoint agents whose duty it shall be to procure cotton-yarn cotton and wool hand cards shoes and boots osnaburgs domestics jeans linseys flannel & cassimers and such other articles of prime necessity for family use for clothing as are to be procured and are not required for the use of the army and have the same transported at the expense of the Government to the Transmississippi Department and deposited at the different Military posts to be exchanged with the citizens of that Department for subsistence for the army of this District at cost and transportation.

Read the first time.

On motion of Mr Williams the rules were suspended the resolution read the second and third times and adopted.

House Joint resolution directing the Secretary of state to have only 500 copies of the journals of the present session printed was taken up and read the first time.

On motion of Mr Hampton the rules was suspended the resolution read the second time and

On his further motion amended by striking out words "for the present" & inserting the word "present" before "General assembly".

On his further motion the resolution was concurred in as amended.

House bill No 114 entitled an act supplementary to an act entitled an act authorizing the issue of Treasury warrants of various denominations passed at the present session of the General Assembly was read the first time.

On motion of Mr Branch the rules were twice suspended the bill read the second and third times and passed.

House bill No 115 entitled an act supplemental to an act to suspend the usurious laws of this state was read the first time.

On motion of Mr Hampton the rules were twice suspended the bill read the second and third times by title and passed.

Mr Williams moved to reconsider the adoption of the resolution classifying members of the Senate to be elected in 1866; which was lost on a division — 6 in the affirmative & 10 in negative

House announcement to Senate Resolution providing for the publication of the report of the select committee on a land system with the acts was read and

On motion of Mr Hampton concurred in as follows.

Insert the words "Senate" before "select."

House Joint resolution for the appointment of a committee to inform the Governor of the readiness of both Houses to adjourn sine die was read and

On motion of Mr Hampton concurred in by the Senate.

Whereupon Mr Hampton was appointed such committee on the part of the Senate.

Mr Williams made the following report

Mr President

The committee on Enrolled bills have examined the enrollment of Senate bill, which to amend the attachment laws and find the same correctly enrolled and I have today handed the same to the Governor for his consideration.

The labors of this committee are now nearly or quite closed and in the conclusion of their labors the committee would beg leave to return their thanks to Mr D. W. Woodward the Enrolling Secretary of the Senate for the prompt manner in which he has discharged his duties and for the very beautiful style in which the work engrossed at his bureau has been done.

Williams chairman

Read and unanimously adopted

On motion of Mr VanPatten the Senate took a recess until 7 o'clock P.M.

7 o'clock P M

The Senate met

Message from the Governor

Mr President:

I am instructed by the Governor to report to the Senate that he approved and signed on the first day of December 1862, the following acts viz

An act to provide for home defense and against insurrection

An act to repeal section one of an act approved on the 8th day of January 1861 entitled an act to amend chapter 137 of the Gould's digest under the title of public printing

An act to arrange the Senatorial districts and apportion Representatives to the General Assembly among the counties

And Senate joint Resolution tendering the use of the Senate chamber and Hall of the House of Representatives to the post Surgeon at Little Rock for the use of the sick soldiers of the Confederate army

Also an act to amend the law in regard to attachments

December 1st 1862

W M McMathey
Private Secty

Message from the House of Representatives by the clerk

Mr President

I am instructed to inform your honorable body that the House has concurred in senate amendment to House joint resolution requiring the Secretary of state to have only five hundred copies of the journal printed

The House has rejected Senate joint resolution relative to the appointment of agents by the confederate states to procure cotton cards &c, which is herewith returned

C M Wordsworth
Clerk H of Rep

Mr Hampton made the following report

Mr President — The joint committee

affairs to wait upon his excellency the Governor and inform him that the General Assembly is now ready to adjourn sine die and enquire whether he has any further communications to make touching the performance of that duty and I am directed to report the accompanying communication from his Excellency.

Hampton Chairman
with the part of the Senate

Executive office
Little Rock Ark
December 1st 1864

Mr President

Accept my thanks for the courtesy received from the members of your honorable body, I have no further communications to make to the General Assembly and see no reason why it may not adjourn sine die

Accept my best wishes for your welfare

I am your obt servt
H. Flanagin

Mr Williams offered the following resolution:

Resolved that the classification and allotment of Senators made this day under a resolution to take effect hereafter shall take effect immediately and apply to the Senators now holding seats on this floor and shall continue in force until the representation in the Senate shall be increased

Which was read — but it having appeared upon a call of the senate that there were not a quorum present no action was had thereon.

Message from the House of Representatives:

Mr President

I am instructed to inform your honorable body that the House has completed its business for the present session and is now ready to adjourn sine die.

A M. Murdaugh Clerk H. Reps

On motion of Mr Hampton the Secretary was directed to inform the House that the Senate has finished its business and is also ready to adjourn sine die.

Mr President Fletcher then rose from his chair and addressed the Senate as follows:

To the members of the Senate:—

The last hours of our sessions are to me always sad; and if left to the promptings of a disposition naturally unobtrusive, but I hope not ungrateful, I would pass by in silence, the high and undeserved compliment paid me as your presiding officer.

The honor conferred was unsought, unsolicited and therefore to be the more appreciated, especially when those who elevated me to this chair were for the most part personally strangers. A few weeks of association in this hall have made strangers friends — removed, doubtless prejudices too often engendered by the blind and malignant spirit of party, and in our memories we must often fondly dwell upon the pleasant recollection of our hard legislative career. To say that the harmony and decorum that has uniformly prevailed in our councils are attributable to its presiding officer would be assuming an unmerited compliment. It is due to those from whom we derived our power, who had the wisdom to select men, not only of enlarged, liberal views and patriotic impulses, controlled by sound morality, but those who know the courtesy due from one gentleman to another. I have endeavored faithfully and impartially to discharge the duties of the office and if the feelings of any member have been wounded, be assured in all sincerity, it was unintentional on my part.

It is a source of much pride for me to know that the lofticst patriotism has animated your discussions, and when your return to your generous constituency, you can truly say — that you have acted with an eye single to your country's good — administered the military authority that it is but subordinate to the civil power — stayed the vacation of the unrelenting creditor — relieved them of the burdens of state taxation and with a liberal but not too lavish hand, extended relief to the indigent families of those brave soldiers, who are suffering so much

toil and suffering to preserve our property and secure our independence as well to those who have "fought the good fight" and whose bones now repose beneath the silent clod upon the field of their glory. No monument may yet mark the spot that confines the heroic dead – nor a tear of affection bedew their distant and unknown graves – nor our journals record one encomium upon the living or the dead but your appropriations hardly bespeak the admiration and gratitude you feel: – and to every officer and to every private who has rallied beneath our flag we can all with one voice exclaim,

"The pedestal upon which your greatness stands,
Is built of all our hearts and all our hands."

But we must now separate as legislators – sever our social ties to return again to our constituents and to those friends around which cluster wife and children. May there be no void in that domestic circle you left so reluctantly – May you receive the hearty plaudits of your generous and confiding constituency, and the hearts of the widow and orphan and those who have suffered for bread, be filled with joy as they welcome the return of their good and faithful public servant, who has continued to their wants, not as a bounty but a duty.

We are now passing through the most critical period in our struggle for a separate and independent government. Tell your constituents to be of good cheer – victory will yet perch upon our standard – the shackles that have bound and oppressed us for years will yet be burst asunder, and a glorious peace will yet be conquered. We cannot and never will be subjugated. But in our trials and difficulties in resisting and overcoming the hosts of the North, let us not forget that there is a Power above who can direct us, and in Him we should put our trust; "the Lord is good, a stronghold in the day of trouble; and he knoweth them that trust in him".

Mr President then announced that pursuant to resolution the Senate now stands adjourned sine die.

Attest:
John D Kimbell, Secy Senate.

Thos. J Clefton
President pro tem. Senate